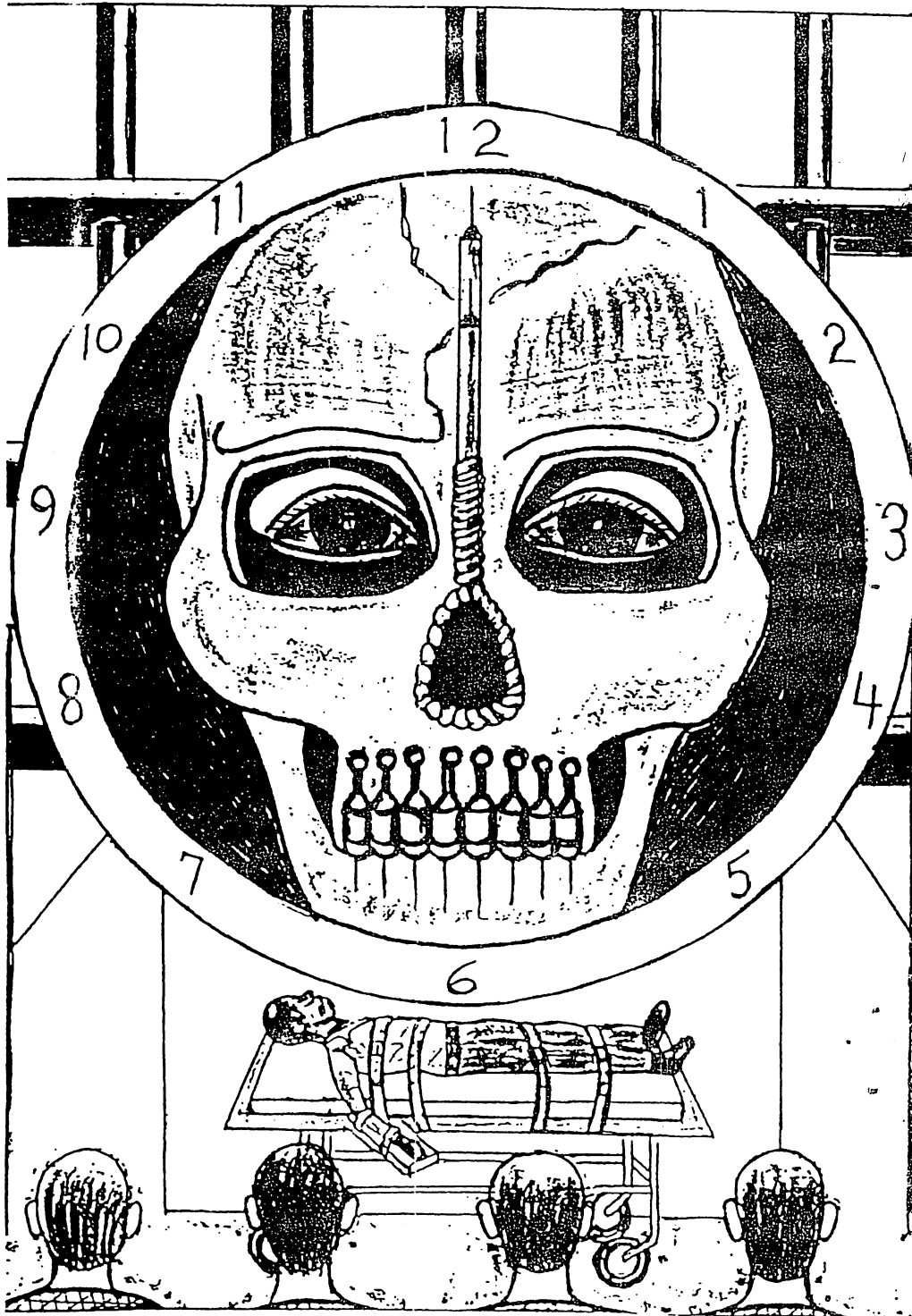




H. L. BROWN

ON ASSIGNMENT TO THE
TEXAS DEPARTMENT OF CRIMINAL JUSTICE

NOVEMBER 26, 2000 - APRIL 23, 2001

Volume 3

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time on parole shall be calculated as calendar time. This provision, however, shall not be construed so as to interfere with the constitutional power conferred upon the governor to grant pardons and to commute sentences.

(b) A parole panel [The board] may allow a person released on parole or mandatory supervision to serve the remainder of the person's sentence without supervision and without being required to report if:

(1) the person has been under the supervision for not less than one-half of the time that remained on the person's sentence when the person was released from imprisonment and during the period of supervision the person's parole or release on mandatory supervision has not been revoked; and

(2) the parole panel [board] determines that:

(A) the person has made a good faith effort to comply with any restitution order imposed on the person by a court of competent jurisdiction; and

(B) allowing the person to serve the remainder of the person's sentence without supervision and reporting is in the best interest of society.

(c) A parole panel [The board] may require a person released from supervision and reporting under Subsection (b) of this section to resubmit to supervision and resume reporting at any time, and for any reason.

(d) This section may not be construed as interfering with the constitutional power of the governor to grant pardons and commute sentences.

Sec. 16. REPORTS TO GOVERNOR. On request of the governor, the members of the board shall investigate and report to the governor with respect to any person being considered by the governor for pardon, commutation of sentence, reprieve, remission of fine, or forfeiture and make recommendations thereon. The provisions of this article may not be construed as preventing or limiting the governor's exercise of powers vested in him by the constitution of this state.

Sec. 17. SUPERVISION RESPONSIBILITIES. (a) The pardons and paroles division [board] shall have general responsibility for the investigation and supervision of all prisoners released on parole and to mandatory supervision.

(b) The Texas Board of Criminal Justice shall collect information on recidivism of releasees under the supervision of the pardons and paroles [Board of Pardons and Paroles] division and use the information collected to evaluate operations.

Sec. 18. CONFIDENTIAL INFORMATION. All information obtained and maintained in connection with inmates of the institutional division subject to parole, release to mandatory supervision, or executive clemency, or individuals who may be on mandatory supervision or parole and under the supervision of the pardons and paroles division [board], or persons directly identified in any proposed plan of release for a prisoner, including victim impact statements and inmates' arrest records, shall be confidential and privileged information and shall not be subject to public inspection; provided, however, that all such information shall be available to the governor and the members of the board upon request. It is further provided that statistical and general information respecting the parole and mandatory supervision program and system, including the names of paroled prisoners, prisoners released to mandatory supervision, and data recorded in connection with parole and mandatory supervision services, shall be subject to public inspection at any reasonable time.

Sec. 19. PAROLE OFFICERS. (a) It is expressly provided that no person may be employed as a parole officer or supervisor or be responsible for the investigation or supervision of persons on parole or mandatory supervision, unless he meets the following qualifications together with any other qualifications that may be specified by the director: four years of successfully completed education in an accredited college or university and two years of full-time paid employment in responsible correctional work with adults or juveniles or in a related field. Additional experience in the above categories may be substituted year for year for the required college education, with a maximum substitution for two years. This subsection applies only to persons employed as parole officers or supervisors before or on September 1, 1990.

THE COPS



controlled substance, or on evidence that controlled substance use is related to the offense for which the defendant was convicted, that the defendant submit to testing for controlled substances.

[(b)] The Texas Board of Criminal Justice [board] by rule shall adopt procedures for the administration of tests required by this subsection [section].

Sec. 9. DUTY TO PROVIDE [BOARD-WITH] INFORMATION. It shall be the duty of any judge, district attorney, county attorney, police officer, or other public official of the state having information with reference to any prisoner eligible for parole to send in writing such information as may be in his possession or under his control to the pardons and paroles division [board], upon request of any member of the Board of Pardons and Paroles or employee of the pardons and paroles division [thereof].

Sec. 10. ACCESS TO PRISONERS. It shall be the duty of the institutional division to grant to the members of the board and employees of the pardons and paroles division [or its properly accredited representatives] access at all reasonable times to any prisoner, to provide for the members and employees [board] or such representatives facilities for communicating with and observing such prisoner, and to furnish to the members and employees [board] such reports as the members and employees [board] shall require concerning the conduct and character of any prisoner in their custody and any other facts deemed by a parole panel [the board] pertinent in determining whether such prisoner shall be paroled.

Sec. 11. INFORMATION AND ARGUMENTS [TO-BOARD]. (a) The Texas Board of Criminal Justice shall adopt rules as to the submission and presentation of information and arguments to parole panels and the pardons and paroles [the Board of Pardons and Paroles] division for and in behalf of any person within the jurisdiction of a panel or the division [that board].

(b) All persons presenting information or arguments to a panel or the [Board of Pardons and Paroles] division shall submit therewith an affidavit stating whether any fee has been paid or is to be paid for their services in the case, the amount of such fee, if any, and by whom such fee is paid or to be paid.

Sec. 12. SUBPOENAS. Parole [The members of the board, acting in parole] panels, [shall] have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed and oaths administered by any member of the board. Subpoenas so issued may be served by a sheriff, a constable, a police, parole, or probation officer, or another law enforcement officer in the same manner as similar process in courts of record having original jurisdiction of criminal actions. Any person who testifies falsely or fails to appear when subpoenaed or fails or refuses to produce such material pursuant to the subpoena shall be subject to the same orders and penalties to which a person before a court is subject. Any courts of record having original jurisdiction of criminal actions, upon application of the board, may in their discretion compel the attendance of witnesses, the production of such material, and the giving of testimony before the board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such courts of record having original jurisdiction of criminal actions.

Sec. 13. WARRANTS. (a) A warrant for the return of a paroled prisoner, a prisoner released to mandatory supervision, a prisoner released although not eligible for release, a resident released to a preparole or work furlough program, a prisoner released on emergency reprieve or on furlough, or a person released on a conditional pardon to the institution from which he was paroled, released, or pardoned may be issued by the members of [the board acting in] parole panels in cases of parole or mandatory supervision, or by the board on order by the governor in other cases, when there is reason to believe that he has been released although not eligible for release, committed an offense against the laws of this state or of the United States, violated a condition of his parole, mandatory supervision, or conditional pardon, or when the circumstances indicate that he poses a danger to society that warrants his immediate return to incarceration. Such warrant shall authorize all officers named therein to take actual custody of the prisoner and detain and house the prisoner until the pardons and paroles division orders the

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FORWARD!

The Echo - Texas Prison News was shut down in February. It had been published since 1928, and according to the Tv had begun sending secret gang messages. The real reason for its demise was Appendixes A & C of Building a More Perfect Killing Machine; I bring them to you for the sake of truth.

This is the biggest issue ever, and I'm disappointed you aren't provided with examples of pre-1985 and post 1989 parole certificates, to show how the flat time hoax actually worked, as Appendix D of the Calendar Time Credit story. I'm already planning a rewrite and release of that work.

Currently, the Legislature is promising to halt the execution of retarded citizens and giving juries the opportunity of imposing life without parole in capital cases. I say "SO WHAT!" These laws would effect maybe a dozen men on death row, while there's at least 200,000 behind Texas bars. Besides, Huntsville hasn't shown an inclination to obey the laws already on the books.



Texas Department of Criminal Justice

STEP 1 OFFENDER GRIEVANCE FORM

PASO 1

Forma Para Quejas de los Preso

OFFICE USE ONLY

Para Uso De La Oficina Solamente

Grievance #: _____

Date Received: _____

Date Due: _____

Grievance Code: _____

Investigator Number: _____

☐ EM ☐ UOF ☐ MED☐ ADA ☐ REL ☐ SSI

Under Name: H L Brown TDCJ # 462774
Stiles Housing Assignment: 19X13
 where incident occurred: Stiles

must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when
 asking the results of a disciplinary hearing.

did you talk to (name, title)? Sgt. Wagner When: _____

was their response? "There is no diet in here. Go On!"

action was taken? I was forced to eat what was given to me.

your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

I am prescribed a diabetic Diet with H/S snack, and have been for 13
years. A couple of months ago FSM III Davis arrived on Stiles Unit and
bitrarily discontinued all diets. To Assist him in making excuses as to
why the diets were stopped, the guards ceased marking names down on the
meal log, even when asked for snacks and/or diet.

Some days we do not get fruit, often we do not see vegetables that
are safe for diabetics, for days at a time (like August 15, 16, 17, 18,
and 19th). Creme corn, rice, potatoes, and certainly not chocolate cake
would never be on my tray. There is often enough grease dripping from the
pan in course, that when I've raked it onto a slice of bread it soaks through
in a minute. Twice my blood sugar level has shot up so high so fast after
eating in the chow hall that I've gotten dizzy and had to grab the fence
to keep from falling down. Now Ms. Wagner openly admits the truth: "There
is no diet in here!" Thus, there is no reason to mark off my name on the
meal list."

The only difference between shooting me in the head and feeding me
this crap instead of a proper diet is that killing me takes a few months
using the chow method. FSM III Davis even writes up a nearly wholesome menu
when tells the cooks to to cook something else that will kill heart patients
and diabetics, thereby violating Policy Directive 21's prohibition on falsifying
government records, not to mention federal court rulings.

This is my second grievance on this subject. I've written Food Service
Director Janie Thomas, Senator John Whitmire, and Warden Doughty. I'd like
some reasonable answers.

return of the prisoner [him] to the institution from which he was released. Pending hearing, as hereinafter provided, upon any charge of parole violation, *ineligible release*, or violation of the conditions of mandatory supervision, a prisoner returned to custody shall remain incarcerated. If a parole panel is otherwise authorized to issue a warrant under this subsection, the *pardons and paroles division* [board] may instead issue to a prisoner a summons requiring the prisoner to appear [before the board or its designee] for a hearing under Section 14 of this article. The summons must state the time, place, date, and purpose of the hearing.

(b) A prisoner for whose return a warrant has been issued [by the board] shall, after the issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he has violated the conditions or provisions of his mandatory supervision or parole, the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence. The law now in effect concerning the right of the State of Texas to extradite persons and return fugitives from justice and Article 42.11 of this code concerning the waiver of all legal requirements to obtain extradition of fugitives from justice from other states to this state shall not be impaired by this article and shall remain in full force and effect.

Sec. 14. HEARINGS; SANCTIONS. (a) Whenever a prisoner or a person granted a conditional pardon is accused of a violation of his parole, mandatory supervision, or conditional pardon, on information and complaint by a law enforcement officer or parole officer, or is arrested after an *ineligible release*, he shall be entitled to be heard on such charges before a parole panel or a designee of the division under such rules as the Texas Board of Criminal Justice may adopt; provided, however, said hearing shall be a public hearing and shall be held within 70 days of the date of arrest under a warrant issued by a *parole panel* [the Board of Pardons and Paroles division] or the governor and at a time and place set by that parole panel or designee. The panel or designee may hold the hearing at a date later than the date otherwise required by this section if it determines a delay is necessary to assure due process for the person. If a parole panel or designee determines that a parolee, mandatory supervisee, or person granted a conditional pardon has been convicted in a court of competent jurisdiction of a felony offense committed while an administrative releasee and has been sentenced by the court to a term of incarceration in a penal institution, the determination is to be considered a sufficient hearing to revoke the parole or mandatory supervision or recommend to the governor revocation of a conditional pardon without further hearing, except that the parole panel or designee shall conduct a hearing to consider mitigating circumstances if requested by the parolee, mandatory supervisee, or person granted a conditional pardon. When the parole panel or designee has heard the facts, it may recommend to the governor that the conditional pardon be continued, revoked, or modified, or it may continue, revoke, or modify the parole or mandatory supervision, in any manner warranted by the evidence. The Texas Board of Criminal Justice shall develop and implement a system of sanctions that may be imposed by the *pardons and paroles* [Board of Pardons and Paroles] division on a person whose conditional pardon or release on parole or mandatory supervision is continued or modified. The parole panel or designee must make its recommendation or decision no later than the 30th day after the date [of] the hearing is concluded. When a person's parole, mandatory supervision, or conditional pardon is revoked, that person may be required to serve the portion remaining of the sentence on which he was released, such portion remaining to be calculated without credit for the time from the date of his release to the date of revocation. When a warrant is issued charging a violation of release conditions, the sentence time credit may be suspended until a determination is made in such case and such suspended time credit may be reinstated should such parole, mandatory supervision, or conditional pardon be continued.

(b) The *pardons and paroles division* [Texas Board of Criminal Justice] shall develop and implement a training program for designees of the [Board of Pardons and Paroles] division who conduct hearings under this section. The training program must assist the designees in understanding issues relating to the revocation process.

Sec. 15. COMPLETION OF PAROLE PERIOD. (a) In order to complete the parole period, a parolee shall be required to serve out the whole term for which he was sentenced, subject to the deduction of the time he had served prior to his parole. The

required to serve the portion remaining of the sentence on which he was released, such portion remaining to be calculated without credit for the time from the date of his release to the date of revocation. ~~When a warrant is issued (by the board or the governor) charging a violation of release conditions, the sentence time credit may (shall) be suspended until a determination is made (by the board or the governor) in such case and such suspended time credit may be reinstated (by the board) should such parole, mandatory supervision, or conditional pardon be continued.~~

(b) The Texas Board of Criminal Justice [board] shall develop and implement a training program for designees of the Board of Pardons and Paroles division [board] who conduct hearings under this section. The training program must assist the designees in understanding issues relating to the revocation process.

Sec. 15 [16]. COMPLETION OF PAROLE PERIOD. (a) In order to complete the parole period, a parolee shall be required to serve out the whole term for which he was sentenced, subject to the deduction of the time he had served prior to his parole. The time on parole shall be calculated as calendar time. This provision, however, shall not be construed so as to interfere with the constitutional power conferred upon the governor to grant pardons and to commute sentences.

(b) The board may allow a person released on parole or mandatory supervision to serve the remainder of the person's sentence without supervision and without being required to report if:

(1) the person has been under the supervision for not less than one-half of the time that remained on the person's sentence when the person was released from imprisonment and during the period of supervision the person's parole or release on mandatory supervision has not been revoked; and

(2) the board determines that:

(A) the person has made a good faith effort to comply with any restitution order imposed on the person by a court of competent jurisdiction; and

(B) allowing the person to serve the remainder of the person's sentence without supervision and reporting is in the best interest of society.

(c) The board may require a person released from supervision and reporting under Subsection (b) of this section to resubmit to supervision and resume reporting at any time, and for any reason.

(d) This section may not be construed as interfering with the constitutional power of the governor to grant pardons and commute sentences.

Sec. 16 [17]. REPORTS TO GOVERNOR. On request of the governor, the members of the board shall investigate and report to the governor with respect to any person being considered by the governor for pardon, commutation of sentence, reprieve, remission of fine, or forfeiture and make recommendations thereon. The provisions of this article may not be construed as preventing or limiting the governor's exercise of powers vested in him by the constitution of this state.

Sec. 17 [18]. SUPERVISION RESPONSIBILITIES. (a) The board [Board of Pardons and Paroles] shall have general responsibility for the investigation and supervision of all prisoners released on parole and to mandatory supervision. [For the discharge of this responsibility there is hereby created with the board a division of parole supervision. Subject to the general direction of the board, the division of parole supervision, including its field staff, shall be responsible for obtaining and assembling any facts the board may desire in considering parole eligibility, in establishing a mandatory supervision plan, and for investigating and supervising paroled prisoners and prisoners released to mandatory supervision to see that the conditions of parole and mandatory supervision are complied with and for making such periodic reports on the progress of parolees and prisoners released to mandatory supervision as the board may desire.]

(b) The Texas Board of Criminal Justice [board] shall collect information on recidivism of releasees under the supervision of the Board of Pardons and Paroles division [board] and use the information collected to evaluate [agency] operations.

on Requested to Resolve your Complaint.

I'd like to know who is responsible for denying me a healthy diet, which I am prescribed, and why it is being denied.

Under Signature: H. I. Brown

Date: 9/11/00

Administration's Decision

Mandatory referral to IAD (Grievance worksheet attached)

No action warranted (Explain).

The Officers in the kitchen have been instructed on the proper diet for diabetics. Wheat bread replaces bisquits and cornbread. Fruit replaces deserts, and diabetics receive milk with their evening meal. You should have no trouble with the Stiles kitchen since your transfer to Venus Unit.

nature Authority: Wdn C. Moly

Date: _____

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the Step 1 response. State your reason for appeal on the Step 2 form.

turned because:

1. Grievable time period has expired.
2. Submission in excess of 1 every 7 days*
3. Original not submitted*
4. Inappropriate/excessive attachments*
5. No documented attempt at informal resolution.*

You may resubmit this issue once corrections are made.

127 Back (9/1/1999)

- ☐ 6. No requested relief is stated.*
- ☐ 7. Malicious use of vulgar, indecent or physically threatening language directed at an individual.
- ☐ 8. The issue presented is not grievable.
- ☐ 9. No remedy exists.
- ☐ 10. Illegible/Incomprehensible*
- ☐ 11. Inappropriate (request is for employee disciplinary action or consequential or punitive damages).

UGI: _____

The victims of the biggest crime in Texas history remain uncoun-
It is the government that compiles such statistics and Texas refuses
to acknowledge that these victims exist. And they are silent because
they are silenced...because powerful interests profit from the crime.

The crime syndicate denies their victims access to telephones
and the internet, isolates them from their families and society,
steals their mail and in the past have murdered those who squeal
to the press or the FBI. The Texas Board of Pardons and Paroles,
the Texas Department of Criminal Justice, the state Senate Criminal
Justice Committee and the Board of Criminal Justice not only refuse
to acknowledge these unfortunate souls but assist in keeping them
quiet, because these state agencies are the perpetrators of the
crimes..

Before continuing, I must tell you about the five distinct prison
systems operating simultaneously in the state, all competing for
the prisoner commodity:

1) The Texas Department of Criminal Justice - Institutional
Division is the descendant of the former Texas Department of Corrections.
With 163,517 inmates by some newspaper accounts, it is the largest
prison system in the state and was the defendant in the 25 year
long Ruiz lawsuit. In 1992, TDCJ-ID and the politicians agreed to
a settlement which included moderate rules of decency.

2) The Transfer Facilities are the bastard child death camps
of the TDCJ-ID. When operations go well at the transfer facilities
(TFs) TDCJ accepts responsibility for them. Things seldom go well.

In the early 1990s, the Texas Legislature passed a law which
required the TDCJ-ID to accept county prisoners within 45 days of
being sentenced to prison. It looked great on paper, except the
Ruiz Final Judgement contained a 98% population cap, and the proposal
behind getting prisoners out of county jail quickly was intended
to save money, not to rent more private cell space. To solve the
problem of how to get 3 prisoners into 2 beds, the Texas Board of
Criminal Justice grabbed approximately half a billion dollars from
the federal Crime Control Act of 1994 and threw together some tin
sweat-boxes in the desert. Transfer facilities were born. The first
thing I was told upon arrival on a TF in 1998 was, "Ruiz doesn't
apply here." From my observation no laws do.

There are 14+ TF units, but when constructed in 1995-96 there
was no money for operations. When a budget was allotted, there was
a shortage of convicts and beds went empty. There are now 20,000
to 28,000 men on TFs.

ec. 13 [14]. WARRANTS. (a) A warrant for the return of a paroled prisoner, a
prisoner released to mandatory supervision, a resident released to a preparole or work
furlough program, a prisoner released on emergency reprieve or on furlough, or a
prisoner released on a conditional pardon to the institution from which he was paroled,
released, or pardoned may be issued by the members of the board acting in parole
panels in cases of parole or mandatory supervision, or by the board on order by the
governor in other cases, when there is reason to believe that he has committed an offense
against the laws of this state or of the United States, violated a condition of his parole,
mandatory supervision, or conditional pardon, or when the circumstances indicate that he
poses a danger to society that warrants his immediate return to incarceration. Such
warrant shall authorize all officers named therein to take actual custody of the prisoner
and return him to the institution from which he was released. Pending hearing, as
hereinafter provided, upon any charge of parole violation or violation of the conditions of
mandatory supervision, a prisoner returned to custody shall remain incarcerated. If a
parole panel [the board] is otherwise authorized to issue a warrant under this subsection,
the board may instead issue to a prisoner a summons requiring the prisoner to appear
before the board or its designee for a hearing under Section 14 [15] of this article. The
summons must state the time, place, date, and purpose of the hearing.

(b) A prisoner for whose return a warrant has been issued by the board shall, after the
issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he
has violated the conditions or provisions of his mandatory supervision or parole, the time
from the issuing of such warrant to the date of his arrest shall not be counted as any part
of the time to be served under his sentence. The law now in effect concerning the right
of the State of Texas to extradite persons and return fugitives from justice and Article
2.11 of this code concerning the waiver of all legal requirements to obtain extradition of
fugitives from justice from other states to this state shall not be impaired by this article
[let] and shall remain in full force and effect.

Sec. 14 [15]. HEARINGS; SANCTIONS. (a) Whenever a prisoner or a person granted
a conditional pardon is accused of a violation of his parole, mandatory supervision, or
conditional pardon, on information and complaint by a law enforcement officer or parole
officer, he shall be entitled to be heard on such charges before a parole panel [the board]
or a [its] designee of the division under such rules as the Texas Board of Criminal
Justice [board] may adopt; provided, however, said hearing shall be a public hearing and
shall be held within 70 days of the date of arrest under a warrant issued by the Board of
Pardons and Paroles division [board] or the governor and at a time and place set by
that parole panel or designee [the board]. The panel or designee [board] may hold the
hearing at a date later than the date otherwise required by this section if it [the board]
determines a delay is necessary to assure due process for the person. If a parole panel
or designee [the board] determines that a parolee, mandatory supervisee, or person
granted a conditional pardon has been convicted in a court of competent jurisdiction of a
felony offense committed while an administrative releasee and has been sentenced by the
court to a term of incarceration in a penal institution, the [board's] determination is to be
considered a sufficient hearing to [and the board may] revoke the parole or mandatory
supervision or recommend to the governor revocation of a conditional pardon without
further hearing, except that the parole panel or designee [board] shall conduct a hearing
to consider mitigating circumstances if requested by the parolee, mandatory supervisee,
or person granted a conditional pardon. When the parole panel or designee [board] has
heard the facts, it may recommend to the governor that the conditional pardon be
continued, revoked, or modified, or it may continue, revoke, or modify the parole or
mandatory supervision, in any manner warranted by the evidence. [If the person's
conditional pardon, parole, or mandatory supervision is revoked, the person may be
required to participate in an electronic monitoring program.] The Texas Board of
Criminal Justice [board] shall develop and implement a system of sanctions that may be
imposed by the Board of Pardons and Paroles division [board, in its discretion,] on a
person whose conditional pardon or release on parole or mandatory supervision is
continued or modified. The parole panel or designee [board] must make its recommenda-
tion or decision no later than the 30th day after the date of the hearing. When a person's
parole, mandatory supervision, or conditional pardon is revoked, that person may be

(j) [(m)] In addition to other conditions of parole and release on mandatory supervision imposed under ~~[Subsection (g) of]~~ this section, the board shall require a prisoner released on parole or mandatory supervision to pay a parole supervision fee of \$10 to the board for each month during which the prisoner is under parole supervision. The fee applies to a prisoner released in another state who is required as a term of his release to report to a parole officer or supervisor in this state for parole supervision. On the request of the prisoner, the board may allow the prisoner to defer payments under this subsection. The prisoner remains responsible for payment of the fee and must make the deferred payment not later than two years after the date on which the payment becomes due. The board of the Texas Department of Criminal Justice shall establish rules relating to the method of payment required of the person on parole or mandatory supervision. Fees collected under this subsection by the board shall be remitted to the comptroller of public accounts, who shall deposit the fees in the general revenue fund of the state treasury. In a parole or mandatory supervision revocation hearing under Section 14 [15] of this article at which it is alleged only that the person failed to make a payment under this subsection, the inability of the person to pay as ordered by the board is an affirmative defense to revocation, which the person must prove by a preponderance of the evidence.

~~[(n) The board shall enter into a memorandum of understanding with the Texas Department of Mental Health and Mental Retardation to increase the availability of services to releasees diagnosed as mentally retarded or mentally ill.]~~

Sec. 9. **DUTY TO PROVIDE BOARD WITH INFORMATION.** It shall be the duty of any judge, district attorney, county attorney, police officer, or other public official of the state having information with reference to any prisoner eligible for parole to send in writing such information as may be in his possession or under his control to the board, upon request of any member or employee thereof.

Sec. 10. **ACCESS TO PRISONERS.** It shall be the duty of the institutional division ~~[all prison officials]~~ to grant to the members of the board or its properly accredited representatives access at all reasonable times to any prisoner, to provide for the board or such representatives facilities for communicating with and observing such prisoner, and to furnish to the board such reports as the board shall require concerning the conduct and character of any prisoner in their custody and any other facts deemed by the board pertinent in determining whether such prisoner shall be paroled.

Sec. 11. **INFORMATION AND ARGUMENTS TO BOARD.** The Texas Board of Criminal Justice ~~[board]~~ shall adopt ~~[formulate]~~ rules as to the submission and presentation of information and arguments to the Board of Pardons and Paroles division ~~[board]~~ for and in behalf of any person within the jurisdiction of that ~~[the]~~ board.

All persons presenting information or arguments to the Board of Pardons and Paroles division ~~[board]~~ shall submit therewith an affidavit stating whether any fee has been paid or is to be paid for their services in the case, the amount of such fee, if any, and by whom such fee is paid or to be paid.

Sec. 12. **SUBPOENAS.** The members of the board, acting in parole panels, shall have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed and oaths administered by any member of the board. Subpoenas so issued may be served by a sheriff, a constable, a police, parole, or probation officer, or another law enforcement officer in the same manner as similar process in courts of record having original jurisdiction of criminal actions. Any person who testifies falsely or fails to appear when subpoenaed or fails or refuses to produce such material pursuant to the subpoena shall be subject to the same orders and penalties to which a person before a court is subject. Any courts of record having original jurisdiction of criminal actions, upon application of the board, may in their discretion compel the attendance of witnesses, the production of such material, and the giving of testimony before the board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such courts of record having original jurisdiction of criminal actions.

~~[Sec. 13. The board shall have the power and duty to make rules for the conduct of persons placed on parole and of persons released to mandatory supervision.]~~

3) In 1989, the legislature authorized the Board of Criminal Justice to contract with private prisons. The stampede was on. The main players are the Corrections Corporation of America and Wackenhut Inc., but there are seven county jails renting cells to the state. Recent statistics claim 6,791 Texas prisoners housed on private units, but I'm now on a CCA facility housing 1,000 men alone.

Most writers and critics of the prison-industrial complex speak harshly of the private prisons. Those honest reports are unanimously from north of the Mason-Dixon line. To be honest from a southern view-point, I must say that my move to a private unit may have saved my life. The food at CCA Venus is low cholesterol, the vegetables are not rotting, and my stomach and chest no longer hurt after a trip to the chow hall.

4) The TDCJ - Paroles Division operates prisons which are not prisons. They are "therapeutic communities." In violation of the Ruiz agreement the Parole Division has reinstituted the building tender/inmate guard system, only there are no inmates and therefore no inmate guards. It's not a prison, it's a beach resort with gun towers and razor wire on ten foot fences.

There are supposedly 5,300 prisoners receiving "continuous intensive treatment" and other assorted abuses. There are no law libraries because the right to access to courts is stripped away at the gate along with all residual rights and dignity a person may have retained after sentencing. By the time a person is released from this new age facility he or she is a certified dysfunctional shit-eater ready to take his place as a marginalized citizen in the New World Order.

5) The TDCJ - State Jail Division was created to house petty offenders for two years or less. In theory, these people were supposed to be protected from the harsh conditions inside the TDCJ-ID. In reality, their dehumanization is nearly instant and their brutalization in state jails constant, in conditions much worse than the Institutional Division.

Always creative when it comes to eating poor people, the Texas Legislature invented a "4th Class" felony category just to create a need for the State Jail Division. I have no exact figures on how many citizens are locked away in state jails, but estimate that there are 20,000.

All bunks are kept full and all convicts enrolled in programs, "treatment," and school courses in order for the competing prison systems to collect rehabilitation funding and federal grant monies. Virtually everyone from the correctional officer's union to the governor's mansion gets a cut to the tune of hundreds of millions

and soon billions, because these are exactly the programs President 8
Bush intends to fund in his executive orders, using the budget surplus.
But in retrospect, in 1996-97, when there was a prisoner shortage,
Texans high and low went to work to solve the problem and keep the
money tree shaking.

U.S. Representatives Tom Delay and (I swear I'm not making this
up) Dick Armey (!) pushed the Antiterrorism and Effective Death
Penalty Act through the U.S. House and Clinton signed it into law
on April 26, 1996. The new law placed a one year limitation period
on filing a Petition for Writ of Habeas Corpus, which is used by
prisoners whose appeals have failed, to attack unconstitutional
convictions such as ineffective assistance of counsel. The "Great
Writ" is also the only means of attacking an illegal parole revocation.

Also in 1996, there began a massive round-up of Texas parolees
for real and imagined reasons. Hitler would have been proud of the
efficiency of the "law" enforcement agencies arresting state enemies
without a warrant - on nothing more than a name typed into a computer.
It was just a coincident that the Antiterrorism and Effective Death
Penalty Act (AEDPA) became law at the same time.

During the 74th Session of the Texas Legislature in 1997, Texas
adopted the federal "truth in sentencing" standard, which are code
words for abolishing parole. However, very few judges or court appointed
lawyers seem to have noticed. Thousands of citizens accused of crimes
in 1997-99 accepted plea bargains for outrageous and numerous years
totally out context with the crime, because their court appointed
lawyers lied that they would be eligible for or actually on parole
in 2 or 3 years - under the old standard. Judges declined to properly
admonish those accused that they would be eligible for parole after
serving 85% of their sentence flat.

Abuse of power is nothing new for Texas judges and lawyers,
but putting thousands of people in prison under false pretenses
such as those of Texas in 1997-99 rates as a state terror operation.
And where the operation became down right sinister wasn't in the
courts, but the part played by the state prison systems.

Had these new felons been sent straight to the TDCJ - Institutional
Division, they would have quickly learned they had been lied to
by their lawyer and wouldn't be eligible for parole, in, say, 8½
years on a 10 year sentence. But TDCJ had an all purpose trump card
in the form of transfer facilities and state jails, where new arrivals
were assigned. There, guys were interviewed by a parole counselor
and a TDCJ sociologist who continued the hoax by citing a non-existent
parole date in the near future. These victims - that is, the new
prisoners - were even handed a time calculation sheet with the mis-
calculated parole eligibility date.

Oh Happy Days! It was just as the lawyer said! Time to write and
tell the wife and kids!

Art. 42.12 CODE OF CRIMINAL PROCEDURE Part 1

Sec. 23. In order to complete the parole period, a parolee shall be
required to serve out the whole term for which he was sentenced, sub-
ject to the deduction of the time he had served prior to his parole and
to any diminution of sentence earned for good behavior while impris-
oned in the Department of Corrections. The time on parole shall be
calculated as calendar time. This provision, however, shall not be
construed so as to interfere with the constitutional power conferred
upon the Governor to grant pardons and to commute sentences.

When any paroled prisoner has fulfilled the obligations of his parole
and has served out his term as conditioned in the preceding para-
graph, the Board shall make a final order of discharge and issue to
the parolee a certificate of such discharge.

Sec. 24. When any prisoner who has been paroled or released to
mandatory supervision has complied with the rules and conditions
governing his release until the end of the term to which he was sen-
tenced, and without a revocation of his parole or mandatory supervi-
sion, the Board shall make a final order of discharge and issue the
prisoner a certificate of discharge.

Sec. 25. On request of the Governor the Board shall investigate
and report to the Governor with respect to any person being consid-
ered by the Governor for pardon, commutation of sentence, reprieve,
or remission of fine or forfeiture, and make recommendations there-
on.

D. Supervision of Parolees

Sec. 26. The Board of Pardons and Paroles shall have general re-
sponsibility for the investigation and supervision of all prisoners re-
leased on parole and to mandatory supervision. For the discharge of
this responsibility, there is hereby created with the Board of Pardons
and Paroles, a Division of Parole Supervision. Subject to the general
direction of the Board of Pardons and Paroles, the Division of Parole
Supervision, including its field staff shall be responsible for obtain-
ing and assembling any facts the Board of Pardons and Paroles may
desire in considering parole eligibility, in establishing a mandatory
supervision plan, and for investigating and supervising paroled pris-
oners and prisoners released to mandatory supervision to see that the
conditions of parole and mandatory supervision are complied with,
and for making such periodic reports on the progress of parolees and
prisoners released to mandatory supervision as the Board may desire.

Sec. 27. All information obtained in connection with inmates of
the Texas Department of Corrections subject to parole, release to
mandatory supervision, or executive clemency or individuals who may
be on mandatory supervision or parole and under the supervision of
the division, or persons directly identified in any proposed plan of re-
lease for a prisoner, shall be confidential and privileged information

when there is reason to believe that he has committed an offense against the laws of this State or of the United States, violated a condition of his parole, mandatory supervision, or conditional pardon, or when the circumstances indicate that he poses a danger to society that warrants his immediate return to incarceration. (Such warrant shall authorize all officers named therein to take actual custody of the prisoner and return him to the institution from which he was released.) Pending hearing, as hereinafter provided, upon any charge of parole violation or violation of the conditions of mandatory supervision, the prisoner shall remain incarcerated.

(b) A prisoner for whose return a warrant has been issued by the Board shall, after the issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he has violated the conditions or provisions of his mandatory supervision or parole, then the time from the issuing of such warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence. The law now in effect concerning the right of the State of Texas to extradite persons and return fugitives from justice, and Article 42.11 of this Code concerning the waiver of all legal requirements to obtain extradition of fugitives from justice, from other states to this State, shall not be impaired by this Act and shall remain in full force and effect.

Sec. 22. Whenever a prisoner or a person granted a conditional pardon is accused of a violation of his parole, mandatory supervision, or conditional pardon on information and complaint by a law enforcement officer or parole officer, he shall be entitled to be heard on such charges before the Board or its designee under such rules and regulations as the Board may adopt; providing, however, said hearing shall be a public hearing and shall be held within ninety days of the date of arrest under a warrant issued by the Board of Pardons and Paroles or the Governor and at a time and place set by the Board. When the Board has heard the facts, it may recommend to the Governor that the parole, mandatory supervision, or conditional pardon be continued, or revoked, or modified in any manner the evidence may warrant. When the Governor revokes a person's parole, mandatory supervision, or conditional pardon, that person may be required to serve the portion remaining of the sentence on which he was released, such portion remaining to be calculated without credit for the time from the date of his release to the date of revocation. When a warrant is issued by the Board of Pardons and Paroles or the Governor charging a violation of release conditions, the sentence time credit shall be suspended until a determination is made by the Board of Pardons and Paroles or the Governor in such case and such suspended time credit may be re-instated by the Board of Pardons and Paroles should such parole, mandatory supervision, or conditional pardon be continued.

And thus the hundred or so men who asked me about their aggravated crime being calculated as non-agg. did not file a petition for writ in state court, not that anyone was ever going to get a habeas writ issued from the Republican tight Texas Court of Criminal Appeals. And - here's another coincident - the AEDPA would keep them out of federal courts because they spent the one year limitation period of the AEDPA smiling about their pending parole eligibility date that would never arrive. Their names were never in the hat when winners of the parole lottery were picked.

According to the Ruiz settlement, the longest a person could be held on a transfer facility, without a privacy partition around their bunks, is 120 days. In order to extinguish the prisoners' right to federal court review of their plea bargains not being "knowingly and intelligently" agreed to, the Texas legislature passed a law - after agreeing to the Ruiz settlement - that violated Ruiz by holding prisoners up to two years on TFs or state jails.

My home-boy Forrest Penton came to me with a time sheet in early 1999. He'd picked up a 45 non-agg. in the 1980s, and done several years on parole before getting into an argument with his girlfriend in 1998. She ratted on him for purchasing a stolen computer from her brother. The Harris County D.A.'s office turned it into a burglary of a habitation and Forrest copped to a 25 non-agg. because his lawyer told him the remaining years of the 45 would "eat up" the new 25. He thought he'd be eligible for parole in a year. But his new time sheet showed he'd have to do 4½ years before parole review. I tried to tell him he better check the books.

When Forrest was assigned to Institutional Division unit, they told him the truth. He signed his life away. Penton will not be eligible for parole until he serves 21 years and 3 months flat.

And, I guess it's just another coincident, but in the year 2000, TDCJ opened four new "supermax" units with 10,000 new beds, just as the thousands of timebomb prisoners would be arriving from the transfer facilities, entering TDCJ-ID where they would learn the truth.

H. L. Brown

On Assignment to the Texas Department of Criminal Justice.
January 19, 2001

Last December, I met a Texas prisoner with an unusual dilemma. Mr. Fleishmann had been granted parole in 1997, but because of a detainer for jumping parole in Tennessee, authorities from there picked him up at the Huntsville Unit when he signed his parole certificate. After completing his Tennessee sentence, he said, he discovered that Texas had a detainer for not reporting to his Texas parole officer in 1997.

It sounded like a simple clerical error and easy to solve if one pushed the right buttons in Austin. Fleishmann appeared to be a genuine hillbilly, not too bright at birth, at which time he followed the family tradition of drinking hard liquor. He seemed honest enough and I hate to see prisoners getting screwed by the system. I asked various questions as a precaution, probing for inconsistencies. The third time I asked "You haven't hit the streets on parole in Texas or Tennessee?" he seemed clearly disturbed that I didn't trust his word, and I discontinued the interrogation and began legal action for Mr. Fleishmann by letter writing to those concerned.

Now, if you've read my writings you are sitting there waiting to find out what this story is really about...that is, you're waiting for me to take a sharp left (or right) hand turn down a side path. I would not want to disappoint you and it just so happens that I see another subject related distantly to Mr. Fleishmann. It's the economy of struggle against the rising police state.

On January 7, 1998, after nine months rotting in Harris County jail, I appeared for the 6th time before County Law Court #14 concerning a misdemeanor DWI charge. However, the reason I'd been in jail since March 14, 1997, was a parole warrant. So, that January day I told my lawyer that I wanted to plead guilty, then stood before the judge and demanded an immediate jury trial, access to the law library 4 days a week, and as smoke blew from the ears of the judge, my attorney and the assistant D.A., I basically declared the initiation of legal hostilities against Texas. It's besides the point that the state government did not then and does not now obey the laws it enacts.

That's what I do...struggle against this lawless state of Texas in the courts and in my personal writings, to connect with the free world and warn people about the state that leads the nation in violating human rights. There being limits to my time and resources, I attempt to apply those resources and abilities to pressure points where they will do the most good, and evade what experience and history have instructed are energy drains.

One example of a sap of our efforts is Senator John Whitmire. If I had to blame one man for the Texas prison mess it'd be John Whitmire. He began the top-down revolution at the state level, and

in writing such information as may be in his possession or under his control to the Board, upon request of any member or employee thereof.

Sec. 17. It shall be the duty of all prison officials to grant to the members of the Board, or its properly accredited representatives, access at all reasonable times to any prisoner, to provide for the Board or such representatives facilities for communicating with and observing such prisoner, and to furnish to the Board such reports as the Board shall require concerning the conduct and character of any prisoner in their custody and any other facts deemed by the Board pertinent in determining whether such prisoner shall be paroled.

Sec. 18. The Board shall formulate rules as to the submission and presentation of information and arguments to the Board for and in behalf of any person within the jurisdiction of the Board.

All persons presenting information or arguments to the Board shall submit therewith an affidavit stating whether any fee has been paid or is to be paid for their services in the case, the amount of such fee, if any, and by whom such fee is paid or to be paid.

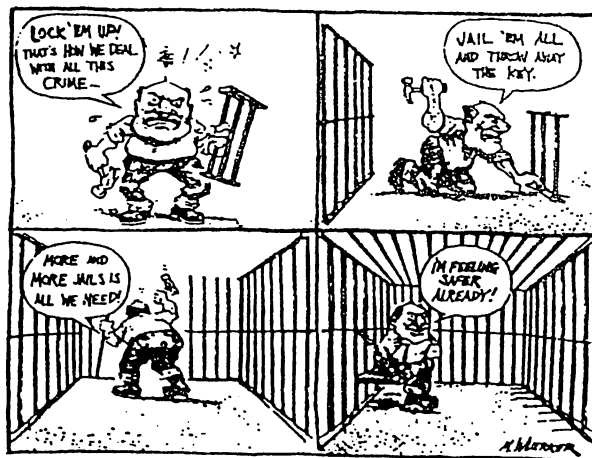
Sec. 19. The Board shall have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed and oath administered by any member of the Board. Subpoenas so issued may be served by a sheriff, constable, police, parole, or probation officer, or other law enforcement officer, in the same manner as similar process in courts of record having original jurisdiction of criminal actions. Any person who testifies falsely or fails to appear when subpoenaed, or fails or refuses to produce such material pursuant to the subpoena, shall be subject to the same orders and penalties to which a person before a court is subject. Any courts of record having original jurisdiction of criminal actions upon application of the Board, may in their discretion compel the attendance of witnesses, the production of such material and the giving of testimony before the Board, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before such courts of record having original jurisdiction of criminal actions.

Sec. 20. The Board shall have the power and duty to make rules for the conduct of persons placed on parole and of persons released to mandatory supervision.

Sec. 21. (a) A warrant for the return of a paroled prisoner, a prisoner released to mandatory supervision, a prisoner released on emergency reprieve or on furlough, or a person released on a conditional pardon to the institution from which he was paroled, released, or pardoned may be issued by the Board on order by the Governor



"I'm just here to speak to my lawyer."



who knows how many tens of billions of federal and state dollars were swallowed whole by the prison bureaucracy while Whitmire was chairman of the Senate Criminal Justice Committee. An indication of the amount of disappearing dollars we're talking about is that when a halfway house corporation - Texas House - was caught kicking back \$10,000 to Whitmire's campaign fund, it wasn't even a crime. It was an ethics violation.

A top-down revolution began when the financial institutions bought our government, and the government, seeing a high probability of civil unrest, began building prisons like they were donut shops. As Edward Luttwak stated in Turbo-Capitalism, "Had the population of South-Central Los Angeles not consisted predominately of children, women and old people, had it included a normal proportion of young males, it is much more likely that Beverly Hills would have been burned down during the Rodney King riot of 1992." ¹ So, of all things, Whitmire is a revolutionary just as Stalin and Mao were before him.

Now that the people are restless, Whitmire has changed coats. In 1998, he began squawking about getting rid of the parole board.² Which of course was a non-issue by that time because no one was making parole - and sometime in '99 or early 2000 he stepped down as Criminal Justice Committee Chairman and became "vice chairman."

1. Luttwak, Edward. Turbo-Capitalism. Winners and Losers in the global economy. Pg. 24. HarperCollins Publishers. New York. 1999.
2. Ward, Mike. "Whitmire says kill parole board." The Echo - Texas Prison News. Pg. 7. January 1998.

From that Position he howls in feigned anger at the prison system he created, and occasionally writes a letter to an abused citizen promising help. The only proof needed that Whitmire is the same insincere hypocrite as before is that his assistance never arrives and the machine continues crushing people under its wheels.

Whitmire now poses as a counter-counter revolutionary, absorbing the energies of those who would be better served elsewhere. Ladies and gentlemen, those who are opposed to freedom and fairness and equity, like Senator John Whitmire, know no boundaries of conduct. They obey no laws.

Another source absorbing the energies of those who struggle against the system with achieving little or no progress is the Runnis Tellemus, commonly known as the prison snitch. Snitches are often tied into a gang which makes for double jeopardy. After the guards write you bogus disciplinary cases and tear up your cell, the gang gives you a bad time if you disagree with their political position.

There are a thousand variations on snitching methods. A snitch may want your legal assistance to delay your filing other legal papers, or to find out the content of a planned case. Etc. New twists on the game occur regularly, so I'll not get too long winded.

I recently was working a parole case involving the denial of revocation hearing. Another easy case. I let Paul read some personal stories one day, which is rare because, for security reasons I don't spread my writings about the unit of assignment. That evening a lieutenant appeared in my cell with a helper. During the shakedown I lost two stories, only the man didn't mention them, wrote no cases, and I didn't notice them missing for two days.

Two points of advice about identifying snitches: 1) If they're whining about their time, look out. I listened to a guy snivel about his four year sentence for two weeks one time. One day I came home from work and found two guards in my cell. The crying worm had planted some chemical formulas under my mattress to get a disciplinary case lifted. 2) If the guy is in a gang, beware. I've known some really decent inmates who are in gangs. But the gangs often require heavy prices for membership and they know that knowledge is power. There are also guard factions involved in gangs, so if one struggles against the state, one may find him/herself in conflict with prisoner gangs as well as correctional officers.

So, how does all this apply to Mr. Fleishmann? And what happened to him?

After the first round of letters, the parole board contacted him, and scheduled a hearing. He lived on the opposite end of the building and kept me posted week by week. The hearing was held January 5th. Afterwards I asked if he wished to proceed to court? because to revoke him for something he could not control was illegal.

He then received notice that he would not be revoked...but he remained in prison because the board couldn't find a halfway house bed. Days past and we discussed what we could do. And at that time he mentioned that the halfway house in Tennessee told him he could come back there if he wanted. The Tennessee halfway house?

In order to get me to help, Fleishmann had deleted getting out on parole in Tennessee. And with two letters he got a hearing and is now free, in Texas, at a halfway house...I think. But sometimes I probably shouldn't.

the terms of his release, "then the time from the issuing of the warrant to the date of his arrest" - that is, the period he was a "fugitive from justice" and out of custody - "shall not be counted as any part of the time to be served under his sentence," was moved to Art. 42.18 §14(b). These two sections entered the modern world with a caption, "Warrants."

*Article 42.12 §22, which envisioned the worse case scenario of a releasee committing another crime, and having an information and complaint lodged against him by the police of his parole officer, became Art. 42.18 §15, was titled "Hearings; Sanctions," and allowed the Parole Board to discredit all parole time from the calculation of the sentence. See Appendix B.

When the parole laws were recodified in Acts 1985, the policy of the board changed also. Despite the intent of the Legislature, the board began taking all parole time.

To confuse matters even more, in Acts 1989, Chapter 1101 §7, the 71st Texas Legislature repealed 42.18 §13, and renumbered §14 to §13, §15 to §14, ect., without reference anywhere I have found. The numerical cites are simply crossed out. Then in a Sixth Called Session, renumbered those statutes pertinent herein (See Appendix C), and created the TDCJ - Paroles Division, seemingly on a moments notice. See Section 17 of Art. 42.18.

Whenever a person is returned to TDCJ for a technical violation of parole or mandatory supervision, the prisonrats now resentence him or her to extended custody, by adding his entire successful parole period to the back of his sentence, extending his maximum expiration date. I'll leave it to you to develop arguments in Double Jeopardy, Takings Clause, Separation of Powers, and Due Process Clause arguments; all of which I believe are being violated.

David Wayne Ford, Research Correspondent, and
H. L. Brown
On Assignment to the Texas Department of Criminal Justice
April 23, 2001



H. L. Brown
On Assignment to the Texas Department of Criminal Justice
February 17, 2001

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date of arrest under a warrant issued by the Board of Pardons and Paroles or the Governor and at a time and a place set by the Board. When the Board has heard the facts, it may recommend to the Governor that the parole, mandatory supervision, or conditional pardon be continued, or revoked, or modified in any manner the evidence may warrant. When the Governor revokes a person's parole, mandatory supervision, or conditional pardon, that person may be required to serve out the portion remaining of the sentence on which he was released, such portion remaining to be calculated without credit for the time from the date of his release to the date of revocation. When a warrant is issued by the Board of Pardons and Paroles or the Governor charging a violation of release conditions, the sentence time credit shall be suspended until a determination is made by the Board of Pardons and Paroles or the Governor in such case and such suspended time credit may be re-instated by the Board of Pardons and Paroles should such parole, mandatory supervision, or conditional pardon be continued.

Section 23. In order to complete the parole period, a parolee shall be required to serve out the whole term for which he was sentenced, subject to the deduction of the time he had served prior to his parole and to any diminution of sentence earned for the good behavior while imprisoned in the Department of Corrections. The time on parole shall be calculated as calendar time. This provision, however, shall not be construed so as to interfere with the constitutional power conferred upon the Governor to grant pardons and to commute sentences. When any paroled prisoner has fulfilled the obligations of his parole and has served out his term as conditioned in the preceding paragraph, the board shall make a final order of discharge and issue the prisoner a certificate of discharge.

Article 42.10 §21(a) and (b) eventually became Tex.Gov.C.; §508.253, above, while Art. 42.12 §22 became Tex.Gov.C. §508.283(c). To this day, the former addresses blue warrants issued by the board, while the latter addresses "information and complaint of a law enforcement officer," i.e., an indictment, or a white warrant! See Appendix A.

Volume 3 of On Assignment began with the story of the Biggest Crime in Texas History. Now you'll know the second biggest.

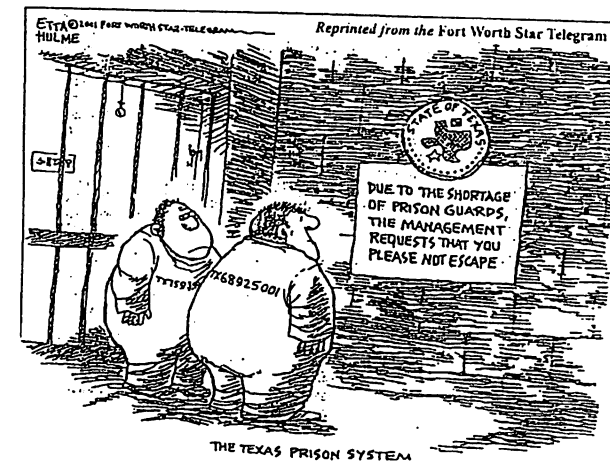
In 1985, the 69th Texas Legislature deleted sections 11 to 36, of Article 42.12 TCCP. However, Acts 1985, 69th Leg., Chapter 427, §4 provides:

(a) Except as provided by subsection (b) of this section, this Act is intended as a recodification only, no substantive change in the law is intended.

Those above-cited sections of Art. 42.12 were moved whole to the Texas Paroles and Mandatory Supervision Law, in Art. 42.10.

*Article 42.12 §21(a) gave the Board the power to issue a warrant on order of the governor when there was reason to believe the releasee had violated the terms of his release, including the suspicion of breaking a law, was moved to Art. 42.18 §14(a)

*Article 42.12 §21(b), stipulated that after a warrant had been issued and hearing held, if it appeared the releasee had violated



Re: Appeal 00-51284

February 24, 2001

Judge Patrick E. Higginbotham
1301 United States Courthouse
1100 Commerce St.
Dallas, Texas 75242

Honorable Judge Higginbotham:

I hope that you will be able to assist me in getting my appeal filed in the Fifth Circuit Court of Appeals. I'll try to keep this explanation as short as possible.

The Austin Division sent my petition for habeas corpus, #A-00-CA-282-JN, to New Orleans on December 6, 2000, and did so again on January 9, 2001. On January 11, 2001, I mailed my appellant brief of 22 pages - properly titled on the cover page "An Appeal in the United States Court of Appeals/ For The Fifth Circuit" and "Appellant Brief." At that point it seemed that appeal #00-51284 was filed, in accordance with Fifth Circuit rulings.

Then three letters arrived, dated January 15, 18, and 19, from the Office of the honorable Charles Fulbruge, Clerk of the Fifth Circuit. The first stated that I must file a Motion for Certificate of Appealability, which was in the packet with my appellant brief, as was a Motion to Allow Supplemental Exhibits "S" and "T". My packet had passed letter #1 in the mail.

Letter #2 stated that my Motion for COA had been filed, but that I must provide a certificate of service, to prove it'd been served on the Texas A.G. However, the certificate of service was at back of the Appellant brief, exactly where it was supposed to be. Then came letter #3, saying my Motion for COA and its brief in support had been unfiled and that I must first provide that certificate of service that was always at the back of the Appellant brief. Sir, how is it that the clerks can unfile legal papers?

The reason this appeal is necessary is that S. Micheal Bozarth, Assistant Attorney General of Texas, disobeyed a court order, by refusing to provide the district court with a complete state court record. Because Mr. Bozarth did not provide State Petition Exhibit A - Exhaustion of Administrative Remedies, I could not prove a tolling period of 69 days applied. This was obstruction of justice on Mr. Bozarth's part, but I guess a member of the Texas bar is allowed to break some laws because I've written several letters, to the AUSA in charge in Austin and the FBI, and have recieved no response.

Once my case was dismissed, TDCJ gladly provided me with copies of said Exhibit A. It just a coincidence, I'm sure, that now the honorable clerks refuse to file my work, and refuse to respond to my last letter of inquiry.

Honorable Judge Higginbotham, My legal work is adequate for a pro se filer, and I tediously hold myself to a higher standard than most prisoners, as you may notice in my enclosed Appellant Brief, Motion for COA, and Motion to Allow Supplemental Exhibits "S" and "T". However, I request of you an order to the clerk to file my three legal documents, (they have no legal authority not to), without a formal motion because I have doubt that you will ever be allowed to read this letter.

Humbly yours,

Homer Lee Brown

Homer Lee Brown 462774
S-13
1100 Hwy 1807
Venus, Texas 76084

South Chicago ABC Zine Distro
anthonyrayson@hotmail.com
P.O. Box 721, Homewood, IL 60430

above - that is, day for day - it would seem that there is no legal way the prisoncrats could discredit the successful period of parole from our time calculation. Fact is, there are two ways to legally calculate our time upon parole revocation.

In Tex.Gov.C. §508.283(c), the Texas Legislature also granted the prison system the authority to take all the time spent on parole. But there is a big difference in taking the time between the issuance of a warrant by the parole board and the date of arrest; and taking the time between release and the date of arrest, and that difference is that between blue and white. There is no legal way the parole bureaucracy resentence parole violators, but before explaining I want to digress into the legislative history behind Texas Government Code, Section 508.

From 1977 to 1985, the laws concerning parole, parole warrants, revocation and discharge of sentence remained relatively static, and were found in Article 42.12, Sections (§) 21, 22, and 23, Texas Code of Criminal Procedure (TCCP):

Section 21. (a) A warrant for the return of a paroled prisoner, a prisoner released to mandatory supervision, a prisoner released to emergency reprieve or on furlough, or a person released on conditional pardon to the institution from which he was paroled, released, or pardoned may be issued by the Board on order by the Governor when there is when there is reason to believe that he has committed an offense against the laws of this State or of the United States, violated a condition of his parole, mandatory supervision, or conditional pardon, or when circumstances indicate that he poses a danger to society that warrants his immediate return to incarceration. Such warrant shall authorize all officers named therein to take actual custody of the prisoner and return him to the institution from which he was released. Pending hearing, as hereinafter provided, upon any charge of parole violation or the conditions of mandatory supervision, the prisoner shall remain incarcerated.

(b) A prisoner for whose return a warrant has been issued by the Board shall, after issuance of such warrant, be deemed a fugitive from justice and if it shall appear that he has violated the conditions or provisions of his mandatory supervision or parole, then the time from the issuing of the warrant to the date of his arrest shall not be counted as any part of the time to be served under his sentence. The law now in effect concerning the right of the State of Texas to extradite persons and return fugitives from justice, from other states to this State, shall not be impaired by this Act and shall remain in full force and effect.

Section 22. Whenever a prisoner or a person granted a conditional pardon is accused of a violation of his parole, mandatory supervision, or conditional pardon on information and complaint by a law enforcement officer or parole officer, he shall be entitled to be heard on such charges before the Board or its designee under such rules and regulations as the Board may adopt; providing, however, said hearing shall be a public hearing and shall be held within ninety days of the

convicts who, like myself, weren't actually involved in the fighting.

The misery level at the Stiles Unit, in Beaumont, Texas, has increased dramatically since the riot of January 18, 2001.

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Silas Hooter, Southeastern Correspondent,

On Assignment to the Texas Department of Criminal Justice

January 19, 2001

Calendar Time Credit While on Texas Parole

The objective of this paper is to present a winning argument that technical parole violators in the State of Texas should receive calendar (flat) time credit for the years or days spent successfully on parole or mandatory supervision. Currently, their sentences are recalculated and extended by the parole bureaucracy for the slightest, most petty administrative offences upon revocation of supervised release.

I've researched this issue twice and came up short. Still the rumor persisted and hundreds of offenders were victimized by snake-oil writ writers. When I was transferred to the Sanders-Estes Unit, (formerly Venus Pre-Release) in October 2000, I met with David Ford and much of the research herein is his. This argument is free to those who wish to struggle with their stamps, paper and minds.

Legal Custody & Calendar Time: A Texas prisoner released to parole or mandatory supervision remains in the legal custody of the TDCJ-Paroles Division, pursuant Texas Government Code, Section (§) 508.143(a); he or she continues to be defined as an "inmate" in Tex.Gov.C. §498.001. What we want is calendar time credit for days on parole and we find in Tex.Gov.C. §508.155(b) that the time on is computed as calendar time; i.e., flat time credit.

Furthermore:

§508.253. Effect on Sentence After Issuance of Warrant. If it appears a releasee has violated a condition or provision of the releasee's parole or mandatory supervision, the date from the issuing of the warrant to the date of the releasee's arrest is not counted as part of the time served under the releasee's sentence.

Tex.Gov.C. §508.253.

To clarify this quote, the word "only" should appear after "violated" above. Thus, it appears that the period of successfully completed parole counts towards completion of the sentence imposed; that the legislature never granted permission to the Texas Board of Pardons and Paroles to recalculate the parole violator's sentence. If our time is calculated as calendar time in accordance with §508.155(b)

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-559-6514
600 CAMP STREET
NEW ORLEANS, LA 70130

March 2, 2001

Mr. Homer Lee Brown
Texas Department of Criminal Justice
Institutional Division Venus CCA
#462774
1100 Highway 1807
PO Box 361
Venus, TX 76084

No. 00-51284 Brown v. Johnson
USDC No. A-00-CV-282-JN

Dear Mr. Brown:

We have received your letter of inquiry addressed to Judge Patrick E. Higginbotham in which you complain that the clerk "unfiled" your motions. At the Judge's request we respond as follows:

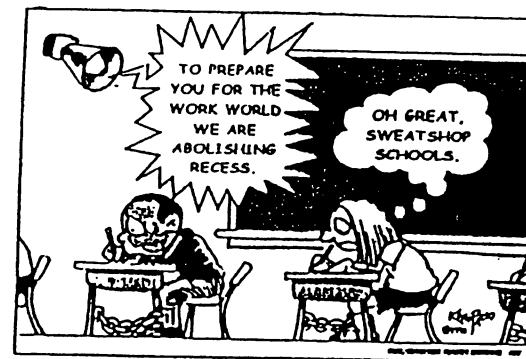
At no time were your motions "unfiled". As a matter of clarification, your motions have been presented before the court and you will be advised in writing as to the court's decision.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: Thomas Rodwig, Deputy Clerk

cc: Mr. S. Michael Bozarth



Searching my memory this evening for the date the Nazis decided to set up the gas chambers and Krupp crematoriums. Or was it I. G. Faber's business venture? Does it matter? What does matter is that the greatest, most horrible crimes the world has witnessed have been committed by governments and not by criminals per se.

The Germans began their war with the Soviets on June 22, 1941, and with their armies for the first time were five death squads. The governmental position that some people are expendable or disposable thus did not originate in Texas, but, however, the only function of these German "Death's Head" units was executing prisoners en masse. At first they were a very expensive, noisy and messy proposition. Bullets cost money. And what to do with the bodies - the "production" of the assembly line of murder that operated seven days a week?

The execution squads discovered that bodies didn't burn well in holes in the ground, so they built metal pyres several stories high. Layers of wood were alternated with layers of corpses. This method used less gasoline, but was nonetheless time consuming, and time was running out on Nazi Germany.

Around the beginning of 1944 the possibility of losing the war became probable and a meeting or two was held within the Nazi hierarchy, which were attended by a consciousnessless man named Adolf Eichmann. The reason for the meetings was to formulate plans to cover-up the earlier "messes" of their mass murder, the evidence of inhumanity in their prison system; i.e. the genocide of the Jewish people, communists, gypsies, criminals, ect. Because tens or hundreds of thousands of state enemies were buried in mass graves scattered from the Black Sea, across the Ukraine to Poland, a gruesome effort was made to dig up earlier victims and properly dispose of them with the more advanced rack cremation technique.

The Nazi hierarchy were "progressive" men. They were intelligent and virtuous and even "good"; they were Christians and family men. The "Overman" of Friedrich Nietzsche. And had you asked them why they were killing millions of people and inflicting untold miseries the majority of mankind, you would've heard the most absurd, bizarre bunch of unmatched nonsense of your entire life. "The overman cometh," but he's brainwashed and nuts.

To understand the mass murderers of the 20th Century one must understand that ruthless individuals and groups existed and do exist; that hold human life in contempt, and that one of the key components of the advancement of their power is their very ruthlessness. This wonderful oddity of the universe that we hold or should hold sacred is, it appears, an opportunity for the spirit that drives these people to inflict violence and misery upon the weak and voiceless. Bullies always tend to be virtueless cowards, and the same holds true for

On January 18, 2001, at around 6:00 p.m., I was working on the menu boards in the rear of the Stiles kitchen area adjacent to the pot room, on the cook floor. I heard a bunch of loud yelling in the area of the back door of dining room #8, and when I looked in that direction and saw a big black inmate run through that door. He grabbed a long metal stirring paddle off the drying rack which is in the vegetable room. Behind him came a group of inmates grabbing can openers and other assorted kitchen utensils; they could use as weapons.

Then I heard a loud pounding from the Officer's Dining Room door, and when I looked over there my eyes began to tear from the gas that was coming from #8 chowhall. Through my tears, I saw an officer unlock the door of #3 chowhall and at the other end of the kitchen. Another officer wearing a gas mask stepped through the ODR door and fired three cans of gas toward the vegetable room area. In my opinion, one can of that stuff would have been enough, for I began to get sick.

I stumbled toward the ODR door and saw the officer with the gas gun fire off another cannister of gas towards the commissary/supply room gate, then he turned and shot two more into the bakery. One of those cans struck Officer Zion on the shoulder and he nearly went down. Then the gas can shooter fired a round each into chowhalls #3 and #4. By now guards were pouring in and the fighting was stopped.

I collapsed in front of the ODR door and an officer grabbed me by the shirt. He said "lay down on your stomach." I did as he said and he began trying to put plastic ties on my wrists, but his eyes were so blinded that he couldn't see either. When he finally got them on me, he led me out through the ODR door and I was told to lay down on the concrete, face down, outside the kitchen building.

There were about twenty inmate kitchen workers outside, included my good friend, Mr. Yates. The guards eventually got us up, took us to Gym 7, where we were again laid on our stomachs for about an hour and a half before being separated by race. We were then uncuffed and video taped looking for injuries. At about 11:00 p.m., they escorted us to our respective housing assignments in our shorts only. It was about forty degrees out and Yates and I nearly froze going from 7 Gym to 19 Building dorm. They did let us keep our shoes.

Later I was told that Officer Zion had caused the whole mess by opening #8 chowhall door to let officer Freeman get away from the first rounds of gas shot in there. He also refused to open the ODR door until another officer told him to open it because it was too late to contain the riot.

The whole thing was a Chinese fire drill in my opinion. Another fine example of the lack of training that could get folks killed. This same Officer Zion is still here and acts as if nothing ever happened. No matter that that he endangered hundreds of lives and that the following security crunch resulted in the housing reassignment of hundreds of

§ 493.012

EXECUTIVE BRANCH
Title 4

(3) a description of the type of recruitment strategy used to attract historically underutilized businesses; and

(4) recommendations for the improvement of historically underutilized business opportunities with the board and the department.

(c) In this section, "historically underutilized business" means:

(1) a business entity formed for the purpose of making a profit of which at least 51 percent is owned by one or more persons who are socially disadvantaged because of their identification as members of certain groups, including women, African Americans, Hispanic Americans, Native Americans, and Asian Americans, who have suffered the effects of discriminatory practices or similar insidious circumstances over which they have no control; or

(2) a corporation formed for the purpose of making a profit in which at least 51 percent of all classes of the shares of stock or other equitable securities is owned by one or more persons described by Subdivision (1). Those persons must have proportionate interest in the control, operation, and management of the corporation's affairs.

Added by Acts 1991, 72nd Leg., 2nd C.S., ch. 10, § 19.06, eff. Oct. 1, 1991. Amended by Acts 1993, 73rd Leg., ch. 988, § 4.07, eff. Sept. 1, 1993.

Cross References

Disadvantaged businesses, public contracts, see Vernon's Ann.Civ.St. art. 601i.

§ 493.013. Federal Funds Committee

(a) The board shall ensure that the federal funds committee of the department includes representatives of all divisions of the department that may be able to assist the committee in identifying and qualifying for additional federal funds, specifically including the offices of the institutional division that manage agricultural and industrial issues.

(b) The board shall require the committee to:

(1) maximize federal grant and entitlement funding available to the state;

(2) submit biennially to the board a detailed report that includes information on all federal grants and entitlements identified and applied for by the committee and the results of the applications; and

(3) work in conjunction with the Office of State-Federal Relations and the Texas Department of Human Services to investigate the applicability of:

(A) the national school lunch program to inmates who are pursuing a primary or secondary education while confined in the institutional divisions; and

(B) the food stamp program administered under Chapter 33, Human Resources Code, to inmates who are confined and treated in substance abuse felony punishment facilities.

Added by Acts 1993, 73rd Leg., ch. 238, § 1.01, eff. May 22, 1993.

the tyrants of the American police state today. Now that the top-down revolution is in full swing, their mission is to annihilate the resistance to their economic world order, and do so quietly. 17

The current revolution should be explained. Any time two or more cultural institutions become intertwined, the makings for revolution are present. Give or take 2 or 3 years, a top-down revolution began in the U.S. in 1980. The multinational corporations had been pushing for deregulation for years; however, it was the deregulation of the banking industry that marked the beginning of an economic war upon the working class. Since it was the institution of government that freed the institutions of commerce and finance from their obligations to Americans, one could call the three an iron triangle of the free trade revolution.

In One World, Ready or Not, author Willaim Grieder accurately observes that:

The new information technology has been popularized as the dawn of a "post-industrial age," but that blithe vision ignores what is actually happening to industrial workers. In the primitive legal climate of poorer nations, industry has found it can revive the worst forms of nineteenth-century exploitation, abuses outlawed long ago in the advanced economies, including extreme physical dangers to workers and the use of children as expendable cheap labor. Indeed, the powerful strands of the global market also undermine legal protections for workers in some advanced economies. Sweat shops are back in the United States, visible from Los Angeles to New York and across the rural South.

In a revolutionary atmosphere, law always suffers. The bonds of social consent have been torn asunder and people find themselves free to make their own rules. That leads to another recurring feature of economic revolutions - corruption.¹

My belief is that the machinery to put down the resistance was in place before anyone's instincts warned of the need to resist. The quiet ratcheting down on our freedom with increasingly harsher laws during the Clinton administration was proceeded and backed by a plethora of multi-jurisdictional, quasi-military police agencies formed during the Reagan-Bush I years. That big pill of totalitarianism would have been difficult to swallow if 2% of the working poor hadn't first disappeared into the prisons² and "one out of every three African-American men between the ages of 20 and 29 in the entire country...was [not] under some form of criminal justice supervision in 1994."³ As Edward Luttwak so aptly wrote in Turbo-Capitalism:

Had the population of South-Central Los Angeles not consisted predominately of children, women and old people, had it included a normal proportion of young males, it is much more likely that Beverly Hills would have been burned down during the Rodney King riots of 1992.⁴

The problem for the leadership of the economic revolution was that the American prison systems could not simply execute thousands of these threats to their world order, not yet and not openly, and housing four or five million people behind bars is simply too expensive for the rich and the corporations. A solution had to be found, one that would dispose of those audacious enough to question the government's authority and bold enough to do something about it, i.e. the criminal. That solution or solutions would assist corporate America during the tough times at the end of the cold war and, at the same time, not overly burden the rich.

The purpose of this paper is to communicate some events I have witnessed in the Texas prison systems since 1991. If you believe the War on Drugs is in reality a war on the American people, little persuasion will be needed. If you work for the government or a multinational corporation, possibly no amount of testimony or physical

1. Greider, William. One World, Ready or Not; The manic logic of global capitalism. Simon & Schuster, New York. 1997. Pg. 29.
2. The Real War on Crime, The Report of the National Criminal Justice Commission. HarperCollinsPublishing Inc., New York. 1996. Pg. 62.
3. Ibid. pg. 102
4. Luttwak, Edward. Turbo-Capitalism, Winners and losers in the global economy. HarperCollinsPublishers, New York. 1999. Pg. 24.

evidence will convince you that the solution to resistance is the solution to crime - and this is the wide and ever-expanding definition of "crime" - and the dissident voices in America is murder by natural causes, according to procedures and perfectly legal. This solution is cheap and can be quite profitable, it's clean and quiet. It is in fact a more perfect killing machine.

In November 1991, I was transferred to the Ramsey II Unit of the Texas Dept. of Criminal Justice - Institutional Division. R2 was then designated a medical unit, and Curtis Tribble, graduate of the Army War College, was Health Care Director. Many veterans and prisoners with AIDS were assigned to R2 because of its close proximity to the University of Texas Medical Branch at Galveston (UTMB), which even then was the primary care provider for seriously ill prisoners.

Ironically, the members of the Vietnam Veterans Association were provided medical care by Dr. "Bad Attitude" Diem, whose sole ability in the medical profession was feigning lack of knowledge of a medical condition and leaving the patient to never suspect the doctor's lack of English left Diem without a clue of what the symptoms were. Almost without fail Dr. Diem would exit the examination room 5 minutes into the appointment. He would return 10 minutes later and announce "That is all. Good-Bye!" with stress placed on the "Good-Bye."

Much more certain was a visit Dr. Bui, fresh in from Hanoi. Bui spoke 23 words of English and kept garlic fish and rice in the

revocation hearing. This too was illegal. We have heard that 5% to 45% of all people sent to those SAFF/drug programs are revoked, depending on the whim of TDCJ psychologists and counselors.

Remember those social security card applications? It's the signature of the convict that triggers the flow of money to TDCJ. But here's the clincher: Beginning around 1990, a familiar slogan began to be heard at every prison classification committee and I've heard it dozens of times. At the close of the committee, whether it resulted in good or bad, was "Sign here, this is only to show that you were hear today." "Show to WHO?" was never asked, but I'll promise you that a week or a month after those meetings the Texas prison system collected a fee, probably for counseling services. And I helped. Helped line the pockets of the good ol' boys in Huntsville.

In 1998 or 1999, slightly before Ford refused to sign his slavery certificate in Hondo, I appeared before my last classification committee. And I signed "Joe Hill" where my name was supposed to be, on the classification worksheet. Nothing was ever said to me, but I wish I had a picture of the bureaucrat's face who discovered the name of the most famous Wobbly instead of mine. I have never been asked to attend another classification committee and not signing is now a habit.

What I am saying is, we prisoners are assisting in the funding of our incarceration. These people who destroy our families, ruin our health with poor food then practice medical experiments, who work us without pay, who dare to deny us aspirin for our headaches yet substitute liver destroying tylenol; these same state employees take lunch money away from our children, and the school kids in Illinois and New York besides, every time or almost every time a Texas convict signs the paper placed before him.

H. L. Brown

On Assignment To The Texas Department of Criminal Justice
March 11, 2001



"... and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

— George Bush
Inauguration Day
January 23, 1989

BUSH

problem, we have to struggle with them for adequate care that - hopefully - will not include a side-bar medical experiment for a drug company. Or worse. And in case you haven't noticed, the food in TDCJ has turned into inedible, deadly garbage in the past year or two, as the system with an ever-increasing budget has skimmed and stolen the food money....taking our food just as they take the food from the school kids and the poor.

Authority requires the consent of two parties. If one denies consent to be governed, authority as we know it deteriorates into force. We witness this across the system today where the TDCJ administrators have created prison conditions so bad that prisoners disallow authority to exist, and at those units semi-controlled chaos has replaced actual "operations." It is a terrible thing, in my opinion, that the human condition is reduced to the present day Terrell, French-Robinson and even Stiles unit standard; but we should always remember that the original problem was a mistaken thought, or rather forgotten thought, that prisons are a necessary social evil. Not a business. The prison boom led to and sanctioned the abuses of the Huntsville bureaucrats and the miseries inflicted by wardens.

And prisoners do have a choice in granting or denying the authority over them, and what I suggest is a passive alternative to what is taking place on some units.

I am familiar with the legal case of David Ford. Eighteen days after Ford thought he'd completed parole, the Texas Board of Pardons and Paroles issued a warrant for his arrest. This of course surprises him, but what happened next was truly amazing. The TDCJ - Pa les Division told Mr. Ford that they wanted to rehabilitate him. Never mind that the warrant and his arrest was totally illegal, and his conviction - for burglary - was 20 years old.

Ford was, to say the least, disinclined towards rehabilitation by his kidnappers, yet was taken from Corpus Christie to an isolated Substance Abuse Felony Punishment Facility in the Hondo, Texas. No doubt to abuse his substance. That when this Ford went sideways in the road....He had not abused any drugs and not committed a felony.

What we now know for certain is that the private corporation operating the Hondo facility had no legal authority to treat, program, educate or abuse David Ford until he signed the contract making him a "client". Upon arrival in Hondo everything that happened was - R-U-Ready? - very BAD. While these "counselors were yelling at Ford, he happened to notice that this treatment facility looked distinctly like a TDCJ prison, what with all the gun towers, razor-wire and tall fences. Then he refused to sign the contact.

The yelling and fussing stopped instantly. Ford was ordered to not speak to other inmates because he was not a client. Eventually, he was handed a paper saying his parole was revoked, without the Morrissey

bottom drawer of his desk. Bui was genuinely a good person and probably would have been saddened to know that a sizable portion of his patients wanted to execute him with a pencil. The high point of our relationship - and I swear I'm not making this up - was when I taught Dr. Bui to say "insulin." He repeated it 5 or 6 times in his office and down the hallway as he followed me to the exit door of the R2 clinic, saying it one last time in front of the nurse's station. "No forget in-su-win."

"Right," said I.

"Right," said Nurse Seals with a knowing smile. The nurses represent the first and usually only line of competent medical care in TDCJ-ID. Literally, at that time the nurses were doing their jobs and the doctors. They usually don't last more than a year due to the stress and the fact they have a conscience. Nurses Sherrod, Seals and Eason would

have earned distinguished service crosses had they been in the military. The p.m. girls at R2 (1992-94) took the prisoners' temp and blood pressure, and listened to the complaint in the only productive portion of the appointment (2 minutes), renewed prescriptions and prescribed new meds, and Diem and Bui would stamp and sign their names. The death toll was reduced thanks to the efforts of the low paid LVNs.

But it would be a mistake to think that all the nurses cared about sick prisoners. In 1994, my neighbor Wayne Brown had a stroke. That was on a Monday and we practically carried Brown to the infirmary. One of the "tough on crime" nurses, Lambert, prescribed him suppositories and refused him a doctor appointment - not that Wayne Brown spoke much Vietnamese - and of course he needed help walking to the toilet to piss and throw-up and eventually gave up the suppository treatment, as Lambert knew he would.

Wayne had diarrhea. The game Lambert invoked is common in TDCJ, and was supposedly to place all responsibility on Brown for receiving medical treatment. Since he ceased coming to the clinic to have Lambert stick a suppository in his butt, he, in theory, refused medical treatment. At least that would be the defense if the matter ever went to court. Lambert and her UTMB handlers got to have it both ways: She didn't have to be bothered with providing adequate health care, saved UTMB a dollar, and shifted responsibility to her victim for not coming to "treatment".

Wayne had a second stroke the following Thursday and with it could no longer sit up on his own. After an hour of inmates complaining who should show up with a wheelchair but Lambert. Initially she began to scream at Brown for refusing the suppository treatments (!) as he lay in his bunk staring blankly at the ceiling. I and other prisoners on dorm 5 began barking at her, and the guard shut her up to prevent trouble. I told her to check his pupils - one was huge, the other normal.

Wayne Brown left in an ambulance to UTMB in Galveston and I wrote his sister in Gaineville, Texas. It required a state representative, a lawyer, and three weeks for his family to find out Brown's condition and his whereabouts. It was apparent that neither UTMB or TDCJ wanted people asking questions. As soon as he could be propped up in a wheelchair the system resorted to a dependable strategy for death by transferring the patient around the state until a warden decided to let him stay. Eventually Wayne Brown was shipped out of the TDCJ-ID to a Corrections Corporations unit at Bridgeport, without his medical records.

There were no antiretroviral drugs at that time and many of the HIV/AIDS+ prisoners swore that the AZT they were prescribed deteriorated their conditions more rapidly than AIDS alone. My memory fails me on individual cases, but a general consensus formed on the cellblocks which housed hundreds of HIV/AIDS patients, and thus many examples of the AZT drug's effects. So despite the government's reassurances that AZT was safe, there was a random boycott of the drug, and its very doubtful that the life and death decision to stop taking it was made blindly.

I used to lift weights with Jon Williams and Robert Smyth, and it turned out they were both HIV+. Smyth moved to the opposite end of R2 in 1993 and I lost track of him until he moved onto dorm 5 in early 1994, after a trip to UTMB Galveston. He looked depleted and I suspected full blown AIDS.

He said they had placed him on an experimental drug, and I first had doubts. One hears many things in prison, and I hadn't entered my prisoner rights advocacy stage at that time. Indeed, in 1994 I still trusted the word of the government officials to an undeserved extent, and thought it was probably a good deal to offer Robert Smyth hope where none previously existed. Remember? AIDS used to be 100% fatal. Within a week my friend was carted off in handcuffs because of the dope he was given.

The day before Smyth tore the door off his locker - one-eighth inch steel plate no less - folded it like paper, winging it across the dorm like a freesbe before proceeding to destroy his cubical, he showed me the paperwork on experimental drug #76. He pleaded for advice and I remember feeling acutely helpless. Now I write, and it's too late to help Smyth or any of the other HIV/AIDS convicts from that time.

It was quite telling that the program Smyth was in was special when he was soon brought back to the dorm. A welder came the next day with a new locker door! And no cases were written. Nothing. The next month Robert left Ramsey II for the last time and I never heard of him again.

enrolment, there was no incentive whatever to note his achievement. Thus, convicts would anxiously attend their long awaited parole interview with their certificates for graduating the courses, only to be told they were going to recieve an automatic set-off because some bureaucrat failed or refused to cite his accomplishment in the record. The paper certificate given the inmate was meaningless.

Just as meaningless is the song and dance performed by the Texas Parole Board for the current legislative session. The Parole Board is claiming it is releasing more inmates, saying this is possible because parolees are being sent to special rehabilitation centers for therapy. In truth, these parolees are being sent to special units for abuse and are released to their families only when the law requires it. They "parole" to their therapeutic communities and these units are nothing more than TDCJ prisons leased to private corporations willing to violate every civil right and rule of humanity for a few dollars. The prisoncrats are claiming a decreasing prison population while buying time through the first six months of 2001, when the Texas Legislature is holding its 77th Session and closely scrutinizing the the Huntsville Prisons-R-Us mafia.

The last thing I wish to bring forward is the practice of having all incoming prisoners fill out social security card applications. All inmates, it seems, need that card - even if they already have one at home. I was required to fill out two such applications, as were all in-coming prisoners at the Garza West Transfer Facility. Apparently the administrators collect a fee or dip into the inmate's social security accounts after the prisoners unwittingly authorized such with their signature. It's a mystery as to why I've never recieved a card, nor has one ever been mailed to my home as promised.

It's the shame of the democratic party that social benefits for disadvantaged citizens was decreased during the Clinton Administration. But that doesn't reflect the whole story when 2.8% of the working poor in Texas were locked away in the prison system and that agency is sucking up revenues from the remaining resources of public funding to pay for the incarceration of those who've been thrown completely out of society. This simply isn't bad government....it's suicidal government. The more workers deemed expendable and sent to prison, the less actual revenues for prison costs; the less tax revenues to pay for TDCJ's feast of pork and the less money for public assistance; and thus a greater number of citizens who turn to crime. The higher rates of crime require a larger prison budget.

Ironically, Texas prisoners may hold the key to stopping the theft of lunch money from school kids and funds from the federal food stamp program. If TDCJ did not recieve this money, we the prisoners would never notice. The Huntsville administrators are already recieving hundreds of millions for psychological services and medical care, and if the alleged medical professionals happen to discover a serious

How the Texas Department of Criminal Justice
Steals Children's Lunch Money and Food From Poor People
And What Texas Prisoners Can Do About It

32

There is no exact figure of how much money has been swindled from the U.S. government and there probably never will be. Conspiracies are like that. Those who divert public funding from its intended purpose will never publicly admit that the tax dollars are disappearing by the truck load.

The evidence includes the 1986 ruckus over the Texas Department of Corrections applying for Headstart funding for Texas prisoners enrolled in school. This was the first indication that something was terribly amiss within the Texas prison system, and when the smoke cleared from two or three weeks of bad publicity, TDC was heard explaining that it was entitled to Headstart money, oblivious to the fact that the program was created to assist needy children and that every dollar going to TDC's coffers would be taken from those children. It was their lunch money.

Information about federal funding of Texas prisoner's food, education and medical needs was thereafter reduced to rumor within TDCJ. But over the years the prisoncrats developed several habits which I've concluded are related to federal funding. The media reported nothing, but it's apparent that stealing the lunch money of children of the other 49 states, as well as food from poor people and numerous other government services has continued apace, growing like an unseen cancer and authorized by the Texas Legislature. See Appendix A, Texas Government Code, Section 493.013.

Efficiency is irrelevant to Huntsville and the most successful programs are those that exist only on paper. No instructors, no class rooms, and little paperwork at the unit level to prove that real inmates sit in real class rooms with real teachers. At one time it was possible to extend such hoaxes several years before a federal bean counter came around to inspect. Now that the auditors show up so quickly after the money is allotted, they are still required to call ahead for the warden's permission to enter the prison unit, so who knows if the class they see is the one being paid for. To remedy the problem of accountability, programs and treatments rapidly change names and mission: statements, while each prison switches programs and courses that it offers.

In the early 1990s, TDCJ stressed drug education for prisoners, and created a four tier program. Each of the four classes was supposedly geared for the level of drug dependency of the inmate. The motivation for the program was definitely collecting the money, and that occurred at the beginning or middle of the semester because many of the graduates would never receive credit for the accomplishment in their parole files. Once Huntsville acquired the grant money for the inmate's

Seven years after Smyth left, The Echo printed an article about the federal Office of Human Research Protections ordering the UTMB to cease federally funded drug research involving prisoners. The University of Texas Medical Branch at Galveston was operating 26 prison research programs involving 99 inmates. The article also claimed the experiments were for HIV/AIDS, Hepatitis C, and cancer.⁵

The feds said that some prisoners hadn't been properly warned. But I doubt that the TDCJ newspaper told the whole story, as you'll see below in the next section, the medical profession in Texas is all about money. Money for drug companies, money for the medical school and money from the public and from the U.S. Army. And it's another sign of the special nature of Smyth's drug experiment and the 26 similar projects in the November Echo that no research programs were actually stopped in the Texas prison system. All were allowed to continue after the creation of another review board...another group of bureaucrats who are supposedly prisoner advocates but will no doubt turn out to be members of a victim's rights group or some other tough-on-crime mother-fucker group of the month. See Appendix A - Echo Article.

My fellow prisoners should be alarmed, and keep their guard up. At R2, we could always tell when a "die-off" was approaching by the number of moving skeletons sitting at the diet tables of the dining hall. The AIDS patients would usually transfer south to the Galveston hospital just prior to death, and the diabetics would go for amputation of feet and legs. I remember we lost four guys in two weeks and R2 became very quiet for a few days.

My family used to visit and we witnessed wheelchair bound convicts dying of that "lick", too weak to hold their heads up more than 30 minutes, visiting their family. Big families, the dying inmates were allowed special visits and would sometimes have 6 or 8 people at the table at once. My mother and sister always wondered aloud why these terminally ill men weren't sent home to the people who loved them and would certainly care for them better than the prison system.

5. The Echo - Texas Prisons News. Criminal Justice News Briefs. Vol. 72, No. 11; November 2000. Huntsville. Pg. 1.

Ironically, there is a policy in place to release terminally ill and physically handicapped prisoners, the Special Needs Parole Program. The number of those approved for special needs parole dropped by 67.4% between 1995 and 1999, according to a recently released report by the Texas Criminal Justice Policy Council. As reported in The Echo:

.....states that in 1999, 53.3% of the 782 cases screened for parole consideration were ineligible. Of the remaining 365 inmates only 139 were finally referred for parole, 85 died during the process, 98 refused special needs parole, 43 were released prior to the parole board review. [Probably due to mandatory release laws.]

Of the 139 inmates reviewed for parole, only 30, or 22%, were eventually released on parole. Twenty of those went to a nursing home or the VA hospital, seven died before release to a residence or refused the parole.⁶

As anyone who studies the Texas Department of Criminal Justice and its predecessor Texas Department of Corrections will discover, the laws in the books say one thing, and bureaucrats are hired and then paid to not impliment the laws. The TDCJ and the Texas Legislature get to have it both ways. The former enact a humane law to appear that they're real human beings correcting a wrong, while the latter expands its budget twice: first to hire people to not impliment the law, then a second layer of bureaucrats - possibly as a TDCJ division or a committee - to fix the problem with the first bureaucrats. Everyone but the prisoners get paid, and until recently their voice was silenced.

In 1987, money began pouring into Huntsville, Texas, for prison construction. The late Bob Bullock was the State Comptroller and soon to become the most powerful Lieutenant Governor in Texas history. A man named James Lynaugh was a financial "expert" in Bullock's comptroller's office and was installed as prison director in October 1987, despite no previous experience in corrections. Lynaugh supposedly began falling out of favor with the Board of Criminal Justice around the time Auntie Ann Richards took office at the beginning of 1989, but that he didn't resign until 1993 indicates otherwise.⁷

Lynaugh was replaced by James Riley, who unlike Lynaugh had actual

6. The Echo - Texas Prison News. "Criminal Justice News Briefs." Vol. 72, No. 7, July 2000. Huntsville. Pg. 5
7. Prison Legal News. "Mis-Managed Health Care in Texas Prisons." Vol. 9, No. 6; June '998. Seattle. pg. 3.

experience in prison operations. Riley told the Board of Criminal Justice that he didn't want the Institutional Division Director's job permanently, and held the position for only seven months.⁸

The Prison Legal News has reported that:

One reason Riley may not have wanted the high-pressure job of director was because he was setting himself up as bag-man for the fabulously lucrative prison HMO contract. Buried in the back of State Comptroller John Sharp's massive 1993 audit of the prison system was the three page recommendation to create the managed health care system Texas has today. Included in the recommendation was the creation of not just a board of officials from the medical schools and TDCJ, but also a "managed care administrative position" which eventually led to six-figure jobs for Lynaugh and Riley. Riley's name appears in the footnotes of Sharp's report as assistant directors of TDCJ Health Services Division.⁹

Thus, in 1994, the Correctional Managed Health Care Advisory Committee was born. Although not a part of TDCJ, CMHCAC contracts directly with UTMB for prisoner health care. If suit is filed against TDCJ or its Health Services Division, one soon discovers himself litigating

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Drug-resistant HIV found in Texas inmate population

Some Texas prisoners infected with the AIDS virus carry a form of the virus that is resistant to the newest and most successful medicines used to fight the disease.

Those ominous findings were released in September by Dr. William O'Brien of the University of Texas Medical Branch at Galveston (UTMB). Speaking at an international conference on infectious diseases in Toronto, Canada, Dr. O'Brien said his findings are part of the first study to examine the presence of drug-resistant human immunodeficiency virus (HIV) among prisoners.

Prisoners may also contribute to the development of drug resistance. In some cases they refuse to take their medications due to the stigma that is attached to HIV/AIDS in prison. They fear their HIV status could become public knowledge if other inmates or prison staff see them constantly taking handfuls of pills.

Prisoners are considered a high-risk group for HIV infection because so many are IV-drug users and have en-

Not only are Texas prisoners carrying the drug-resistant strain of HIV, they are passing it on to others. Researchers discovered during their study that one inmate had become infected with the drug-resistant HIV while behind bars, raising the concern that other prisoners could become infected with this more virulent strain of the disease by engaging in risky behavior while incarcerated.

For more information on HIV/AIDS, please turn to Page 8.
Para más información sobre VIH/CIDA, por favor vuélvase hacia Página 8.

gaged in unsafe sex prior to and during their incarceration. Current estimates - based upon limited testing between 1998 and 1999 - are that three to four percent of all Texas inmates are HIV-positive.

See HIV, Page 8

HIV

Continued from Page 1

Resistance to medications occurs when patients do not take their pills as prescribed. Dr. John Miller, AIDS expert with the U.S. Centers for Disease Control and Prevention in Atlanta, says that when HIV is only partially controlled, the virus that is least susceptible to the drug is able to thrive and become dominant.

Inmates, unlike free world patients, are not capable of managing their own medication regimens. They are dependent upon their keepers to ensure that medications are provided in a timely and consistent manner. When inmates have their medications taken away from them due to bureaucratic errors, or lose them due to transfers between units [where they are often required to begin anew the medical evaluation process] the door opens for drug resistance, said Dr. Miles.

Prisoners may also contribute to the development of drug resistance. In some cases they refuse to take their medications due to the stigma that is attached to HIV/AIDS in prison. They fear their HIV status could become public knowledge if other inmates or prison staff see them constantly taking handfuls of pills. "It's a small community, and secrets are hard to keep," Dr. Miles said.

Drug-resistant HIV will become more common as prison populations increase, said Dr. Miles. He said that prison administrators are and should be working hard to ensure that inmates receive and take medications as prescribed.

Resistance to new drugs is not new. In 1998 the subject was presented at the 12th World AIDS Conference in Geneva, Switzerland, where U.S. researchers discussed finding drug-resistant cases in San Francisco.

Dr. Anthony Fauci, director of the U.S. National Institute of Allergy and Infectious Diseases, told conference participants that, "This is a wake-up call to people who assume that since we have adequate therapy, if they get infected they will be easily treated. It's like going back to the early 1980s when we had no therapy, because when a virus is resistant to everything, it's just like it was [then]."

"No one is surprised by the development of resistance," said Victor Zonana, vice president of the International AIDS Vaccine Initiative, speaking at the Geneva conference. "Man and microbe are constantly engaged in battle - that battle is as old as history itself."

Dr. O'Brien identified what he believes is the first known case of drug-resistant HIV to be transmitted in prison, during his recent study. The patient had several negative tests before displaying a positive test in February 1997. Less than a year later, doctors discovered through genetic testing that the infection was drug-resistant, even though the patient had yet to take any medications.

Neither the Texas Department of Criminal Justice nor its system health care provider, the Correctional Managed Health Care program, require testing of all prisoners for HIV. Mandatory testing is required in many state correctional systems, but the Texas Legislature has never authorized nor approved funds for such an undertaking in the nation's largest

although actual numbers are believed to be higher, according to Dr. O'Brien.

prison system. Between 1990 and 1998, HIV/AIDS killed more than 700 Texas inmates.

Stuart Kingma of the United Nations Program on HIV and AIDS - as quoted by the U.S. Centers for Disease Control and Prevention's National AIDS Clearinghouse - says that "Prisons offer ideal conditions for the spread of the virus, including intravenous drug use, tattooing, sexual tension and an atmosphere of fear and violence."

No one can say for sure how often inmates contract HIV, said Dr. Richard Pollard, a UTMB researcher who was involved in the study. However, this discovery indicates that better AIDS education among prisoners, and perhaps even stronger measures - including issuing condoms and sterile needles to inmates - are needed, said Dr. Pollard.

"I'm convinced there are additional transmissions [inmate to inmate infection] in the prison setting."

Dr. Theodore Hamman, author of the first comprehensive study of HIV/AIDS behind bars, says that only 10 percent of state and federal prisons and five percent of city and county jails offer in-depth HIV/AIDS prevention programs for prisoners.

About 95 percent of all Texas prisoners will be released at some time in the future, including those with HIV. Dr. O'Brien is not only concerned about those men and women, but those who could catch it from them and those who will be prescribing medicine for them when they return to the free world.

"People get released from prison, and they go into the community," Dr. O'Brien said, carrying the drug-resistant infection with them and possibly infecting others.

APPENDIX C

31



TEXAS DEPARTMENT OF CRIMINAL JUSTICE

P.O. Box 99 • Huntsville, Texas 77342-0099

Wayne Scott
Executive Director

December 11, 2000

Offender Homer Brown
TDCJ # 462774
Venus Facility

Offender Brown:

Your letter to Lannette Linthicum, M. D., TDCJ Division Director for Health Services was forwarded to the Office of Professional Standards for investigation and response. In your letter, you complain about having adverse reactions to Novolin Insulin, having the medication Elavil discontinued, and needing soft sole shoes. Upon receipt of your letter, the facility medical department was contacted and your medical record was reviewed. Your concerns are herein addressed.

Dr. Linthicum is not responsible for your daily health care decisions. Dr. Linthicum does not supervise, hire, fire or counsel medical staff at your facility. They are not TDCJ employees. They report to their own Medical Director and they are employees of the Correctional Corporation of America.

A review of your current computerized medication profile, shows that you are currently on the medication Elavil and Novolin Insulin. Your concerns about being on Novolin Insulin will be referred to your facility Medical Director. Your request for soft sole shoes will also be referred to your unit Medical Director.

I hope that this answers your concerns. Address future medical concerns to your facility medical providers and give them an opportunity to resolve future complaints and concerns at that level first.

Sincerely,

Nurse Investigator
Office of Professional Standards

GC/rc

Xc: Lannette Linthicum, M. D. TDCJ Division Director for Health Services
Terri Wilson, Administrator
Guy Smith, Patient Liaison Program Administrator
Estes Facility

Reference #: 000046277400001

against a tangle of health care sub-agencies that pass responsibility to one another. In fact if not design, neither TDCJ - Health Services Division, CMHCAC, UTMB, or the doctors on the units accept responsibility for any wrong-doing. (See Appendix B - Letter from Lannette Linthicum, Health Services Director.) Not only does responsibility seem to disappear, so does a great deal of money and the very health care that is supposedly the objective in the first place. As an incentive to become purer than driven snow - at least on paper - the state paid UTMB \$582 million in 1998-99.¹⁰ This is not, however, enough money to provide a body count of the inmates who die in this system every year, a statistic that is conspicuously absent in data available to the public.

And what do the taxpaying citizens get for their money? They get a more perfect killing machine in the epidemic of AIDS and Hepatitis C (HCV). As POZ magazine reported in May 1998:

8. Ibid. Prison Legal News. pg. 3.

9. Ibid. " " " "

10. Heimlich, Janet. Texas Monthly. "Rx For Scandal." June 1998. Austin. pg. 22.

There is a factory in Texas that manufactures vast amounts of multiple drug resistant (MDR) strains of HIV....This factory is the Texas Department of Corrections, [sic] and it's hard to imagine how MDR HIV could be any more efficiently created and spread.¹¹

That was reported in 1998, and the Echo has since reported that Texas inmates are not only carrying a strain of HIV that is resistant to the newest and most successful medicines used to fight the disease, but they are passing it on to others.¹² See Appendix C.

We are supposed to believe that this is a coincidence, a natural occurrence or possibly a deserved punishment for being in prison. Nothing could be further from the truth, and anyone who thinks so is too lazy to use his brain. It should also be remembered that one of the defenses used by the Nazis at Nuremburg was that the prisoners died of typhous, dysentery and heart failure. Accurate records were provided to supposedly prove those inmates in the German concentration camps died of naturally occurring events. Except when the Nuremburg trials were over we put ropes around their damned necks and killed them. In Texas, we pay them six digit salaries for doing a good job.

In the summer of 1996, 24 prisoners died at the Mark Stiles "medical" unit in Beaumont. "Investigators at TDCJ and UTMB reviewed the records of these prisoners and found that 16 had recieved "improper care."¹³ Two of these men had apparently been labeled trouble-makers, for they died in administrative segregation - 12 Building. The alleged health care professionals knew the AIDS patients were back there. The security staff knew they were back there, and according the inmate Carl Horne, who creates Captive Voices from the Stiles Unit, those god-for-saken

men spent their last days yelling for help, too weak to pick up their food from the doors of their cells. The staff may have known they were back there, but in 1993-95, 12 Building staff were more towards harrassment and torture than assisting sick prisoners. So, the two (confirmed) AIDS patients died, alone the last two weeks of their lives.

11. Strub, Seau. "S.O.S." POZ magazine. May 1998. New York. Pg. 16.
12. Heimlich. Ibid. pg. 22.
13. The Echo - Texas Prison News. "Drug-resistant HIV found in Texas inmate population." Vol. 72, No. 11. November 2000. Huntsville. Pg. 1

Stiles prison, in Beaumont, Texas, is also located down wind from a federal pen which operates a chemical incinerator. Designated a medical unit, Stiles opened in 1993 to house HIV patients, who were to be cared for by specialists at the nearby Galveston hospital. While we smell the incinerator's fumes regularly, the most immediate problem remains that "prescription decisions made by the HIV specialists are subject to review by different doctors back at Stiles Unit."¹⁴ That second opinion is then scrutinized by the HMO "gatekeeper" administrator who is nothing more or less than a hit-man, and who substitutes, or refuses to enter drugs into the computer. Even when a drug prescription is entered into the computer, the process of providing it to the prisoner becomes difficult when mixed with prison factors and scheduling.

Inmate patients aren't allowed to keep medications on their persons and its nearly impossible to adhere to dosing regimens. Dosage missing is routine, and "those in charge at the MDR HIV factory don't care if the patient-inmates...don't get food to take with drugs which require it or...they are forced to eat at the same time they must take medication that requires an empty stomach."¹⁵ Verbal protests or litigation can lead to retaliation, and a trip to Ad.Seg 12 Building decreases the odds of survival.

The POZ and Prison Legal News articles were written more than two years ago, and if malice was not the intent of the Texas prison systems and their community of bureaucracies, they would have corrected the problems associated with missed doses. However, everytime the Stiles Unit went lock-down or "racks up" for a count time, I expected to miss the first insulin injection and p.m. pill dosage. AIDS patients likewise missed their pills; thus the creation of the Multiple drug resistant HIV. Suffice to say that though my health is not good and can only worsen from missed insulin or denied diets, I won't develop a new hybrid disease that can be passed to some lover in the free world.

And malice does appear to be the intent. When I arrived on Stiles in May 1999, Jimmy Morton told me some horror stories. As the result of a shank spinal tap, Little Jimmy is on a walker, and

14. Strub. Ibid.
15. Strub. Ibid.

BRIEFS

Continued from
Page 1

been properly warned about the experiments, and if, in some cases, the potential benefits of the research project may have been overstated while the dangers to prospective patients were understated.

UTMB officials determined it was in the best interest of the 99 inmates involved in the 26 prison-based research programs to continue treatment, despite the federal prohibition. Federal officials subsequently allowed an exemption for these programs while UTMB submitted a corrective plan of action for its research program.

Under federal law, prisoners can only be used in medical testing projects under stringent guidelines. Inmates cannot be enrolled in risky projects, blind testing projects where one group of participants is given a placebo, and all inmate participation must be a "truly voluntary and uncoerced decision."

After examination of UTMB's proposal, the federal office directed the university to create two review boards - instead of the single board it was using - to look at research projects before they begin. Advocates for prisoners will be appointed to each of these review boards.

In addition to the additional review panel, federal officials also suggested that UTMB take a more active stance in monitoring prisoners once they have been released from prison and stop receiving the experimental treatments.

Human dignity is of equal value among all people. The values of Americans can be measured and defined by what they tolerate being done to prisoners.

21.; Strub, Ibid.

End of Part I

Parts II & III of Building a More Perfect Killing Machine, concerning Vita-Pro and medical experiments, and my experience on the Garza West Transfer Facility, will become available this summer, from South Chicago ABC Zine Distro. Make money order for \$2. in the name of Anthony Rayson at that address. It will be free to prisoners.

APPENDIX A

Criminal justice news briefs...

UTMB agrees to change policies for experimental research involving prisoners

In September, the federal Office of Human Research Protections ordered the University of Texas Medical Branch (UTMB) to stop some federally funded drug research involving Texas prisoners. In all, over 300 projects, including 26 that affect inmates, were halted. Most of these projects involved the treatment of HIV/AIDS, hepatitis C and cancer.

The federal office, a division of the U.S. Department of Health and Human Services, questioned whether some prisoners had

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during an appointment with one Dr. Russell McDonald was told he no longer needed a walker. Being a coward, McDonald instructed nurses to take Morton's walker, even though Jimmy had purchased it in the free world before returning to prison for a parole violation. The nurses didn't attempt to take it and Jimmy left the clinic. Twenty feet from the door, McDonald caught up with him, snatched away the walker and left Jimmy Morton laying on the sidewalk.

I've become pretty calloused over the years, but this cruelty sounded like a bit much to believe. Then a freedom fighter named A. Falby gave me an article from Texas Monthly magazine:

Jana Hawkins, a nurse who worked at Stiles until she quit last summer ['97] says UTMB administrators frequently sent out memos reminding staff not to give prisoners "comfort measures" such as Tylenol for headaches and athletes foot cream (unless there were "breaks in the skin"). Hawkins says that some inmates who could not walk - including a "brittle" diabetic with one leg - were not allowed a wheelchair.¹⁶

I've heard several such stories since Jimmy's, and it appears that one money making policy of the UTMB is to periodically steal the personal wheelchairs and walkers of convicts whom they know will have little or no legal recourse against them. This is not fiction, it's policy. So is the non-treatment of hepatitis C (HCV).

Two years ago, TDCJ came to the realization that it had a potentially major health crisis on its hands, one even greater than AIDS, staph infections or tuberculosis. Hepatitis C had begun to rear its ugly head within the prison system.

A recently completed survey estimates that this viral liver disease may affect as much as 30 percent of the total TDCJ population, over 45,000.¹⁷

Having a health care crisis on their hands did not prevent the UTMB health care alleged professionals from sitting on their hands for two years.

When the bi-annual legislature opened in January 1999, the TDCJ asked for hundreds of millions of dollars, not for HCV treatments

16. Heimlich Ibid. Pg. 22

17. Hargrove, David. "TDCJ scrambling to stay ahead of hepatitis C." The Echo - Texas Prison News. Vol. 71, no. 7. December 1999. Huntsville. pg. 4.

to prevent a public epidemic, but to build more prisons that would ultimately spread the disease to more citizens. Almost as an afterthought, the Huntsville hillbillies asked for funding for medications for those convicts infected with HCV, only to be turned down for that also because the request appeared so disingenuous. Although no treatment was available at the end of 2000, the prisoncrats were charging the prisoners \$3.00 for the HCV test.¹⁸

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According to Dr. Michael Kelly, Director of Preventive Medicine for TDCJ, prisoners "who have several ALT tests that are all within normal parameters, may have recovered from the disease. Those with abnormal ALT levels - the upper limit of normal is considered an ALT level of 60 - more than six months after the initial diagnoses, probably have chronic hepatitis C and may need treatment."¹⁹

But probably not, judging from the few who actually receive the only possible remedy, interferon and ribavirin treatments.

Perhaps the most telling indicator of the approach to hepatitis C in the prison system is that only 95 prisoners - less than one-fourth of one percent of the estimated number infected - have received the costly medication approved for the treatment of hepatitis C. In the private health care system, doctors tend to be more aggressive.

"I offer treatment to the vast majority of patients infected with hepatitis C," said Dr. Joseph Galati, a Houston liver specialist in private practice. "I screen for the contraindications but otherwise assume all must be considered for treatment."²⁰

Of approximately 40,000 infected prisoners, 95 receive treatment. Up close and personal, the neglect gets uglier.

Stiles Unit is supposedly a medical prison, yet I met only one inmate to receive the interferon and ribovirin remedy while I was there. In June 2000, Richard Kuebler moved in across the aisle in my dorm. His legs were swollen, and being a diabetic I assumed it was a case of diabetic neuropathy. Kuebler said he was HCV+ but had been told he suffered from water build-up. Initially, his legs blotched red and purple and I thought he was a goner. The draining stopped and he stabilized. But still no treatment was forthcoming for

18. Hargrove. Ibid.

19. Hargrove. Ibid. Pg. 9.

20. Snyder, Mike. "Hepatitis C considered a major concern for both TDCJ offenders and the state." Houston Chronicle. Reprinted in The Echo. Vol. 71, No. 2. Summer 1999. Pg. 1.

hepatitis C.

Soon after Richard Kuebler and I became neighbors, the UTMB at Stiles offered a hepatitis B vaccine and we both signed up for it. The day we went for the injection, I hesitated and refused it at the last minute. Kuebler was injected with the vaccine, and his following blood tests for HCV showed strong and growing case of Hepatitis B.

Really in my face is my illustrator/artist for On Assignment to the Texas Dept. of Criminal Justice, Volumes 1 & 2, Clarence Fulton. Unlike Kuebler who recently arrived in TDCJ, Stoney Fulton has been here three years and for the last two years has ran ALT levels between 80 and 110. His liver is being destroyed and the medical professionals of UTMB know it. Receiving approximately \$290 million in fiscal year 2000 makes it a very difficult task to claim funds do not exist to

pay for the approved medicines for Kuebler and Fulton. They do not receive so much as a vitamin.

That difficult claim above does not mean the money appropriated for prisoner health care will actually be spent to help them. It means that prisoners must be lied to death. In the Summer 1999 issue of the Echo, Dr. Lannette Linthicum, "Medical Director" of the TDCJ said "Our office of preventive medicine has drafted a hepatitis fact sheet, geared towards offenders, and we've just started to mail these out to the units," (emphasis added). Careful reading of this fact sheet, discovers TDCJ threading the eye of the needle, dodging one way then another. Most prisoners recover from HCV without interferon treatments, some are too far gone; others should recover without treatment, and finally, at the end of the pamphlet, very, very few people actually die because of HCV. It's a great work of propaganda that attempts to leave the reader believing that no prisoners die from HCV liver failure and that none probably need interferon and ribavirin treatment, its simply a precaution taken by doctors in the free world.

What does the Texas prison system do when repeated blood tests over a two year period show a progressively worsening liver condition due to HCV? They lose the patient's test evaluations or entire medical records, and/or hand the patient over to the TDCJ - Transportation Division, as they did to my friend Wayne Brown. Clarence "Stoney" Fulton was transferred to CCA Venus with me in October, and as Lannette Linthicum's office stated in Appendix B, TDCJ is not responsible for the health care in private prisons. No responsibility attaches to any TDCJ or UTMB health care employees from the observation of this writer.

No Bullets. No mass graves. No smoking crematoriums, and so far, no accountability. In many cases, no autopsy reports on murder victims. The Texas Legislature exempted the prison system from that cumbersome measure of accountability in Article 49.18(c), of the Texas Code of Criminal Procedure. All that was needed was an epidemic of HCV and HIV spreading unchecked, building its strength from missed dosages of medications. Richard Kuebler, Mike Alder and another inmate wishing to remain un-named, swear they've contacted HCV while engaging in no risky activities.

What is the threat of spreading these diseases to the community at large? Eighty percent of Texas convicts will one day be released. And some will:

...introduce new strains of MDR HIV, courtesy of the State of Texas... That virus will be carried in the bodies of people who have been cruelly instructed that the greater world could care less whether they live or die. It should be no surprise when they respond in kind.²¹